

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

415 Knollcrest Drive, Suite 100, Redding, California 96002
Phone (530) 224-4845 • FAX (530) 224-4857
<http://www.waterboards.ca.gov/centralvalley>

R5 Merged Template
Version 1.6
Last Update
13 February 2007

**ORDER NO. R5-2008-XXXX
NPDES NO. CA0004596**

**WASTE DISCHARGE REQUIREMENTS FOR THE
STATE OF CALIFORNIA, DEPARTMENT OF FISH AND GAME
MT. SHASTA FISH HATCHERY
SISKIYOU COUNTY**

The following Discharger is subject to waste discharge requirements as set forth in this Order:

Table 1. Discharger Information

Discharger	State of California, Department of Fish and Game
Name of Facility	Mt. Shasta Fish Hatchery
Facility Address	3 North Old Stage Road
	Mt. Shasta, California 96067
	Siskiyou
The U.S. Environmental Protection Agency (USEPA) and the Regional Water Quality Control Board have classified this discharge as a minor discharge.	

The discharge by the State of California, Department of Fish and Game from the discharge points identified below is subject to waste discharge requirements as set forth in this Order:

Table 2. Discharge Points

Discharge	Effluent Description	Discharge Latitude	Discharge Longitude	Receiving Water
001	Settling Pond Discharge	41°, 18', 24" N	122°, 19', 41" W	Cold Creek
002	Pond 38 Discharge	41°, 18', 21" N	122°, 19', 50" W	Wagon Creek
003	Percolation Pond	41°, 18', 22" N	122°, 19', 50" W	Groundwater

Table 3. Administrative Information

This Order was adopted by the Regional Water Quality Control Board on:	<Adoption Date>
This Order shall become effective on:	<Effective Date>
This Order shall expire on:	<Expiration Date>
The Discharger shall file a Report of Waste Discharge in accordance with title 23, California Code of Regulations, as application for issuance of new waste discharge requirements no later than:	180 days prior to the Order expiration date

IT IS HEREBY ORDERED, that Order No. **R5-2004-0116** is rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA) and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on **<Adoption Date>**.

PAMELA C. CREEDON, Executive Officer

Table of Contents

I.	Facility Information	1
II.	Findings	1
III.	Discharge Prohibitions.....	7
IV.	Effluent Limitations and Discharge Specifications	9
	A. Effluent Limitations – Discharge Points 001 and 002.....	9
	1. Final Effluent Limitations – Discharge Points 001 and 002.....	9
	B. Land Discharge Limitations – Discharge Point 003.....	9
	1. Formaldehyde Percolation Pond Freeboard	9
	C. Reclamation Specifications – Not Applicable.....	10
V.	Receiving Water Limitations	10
	A. Surface Water Limitations.....	10
	B. Groundwater Limitations	12
VI.	Provisions	12
	A. Standard Provisions.....	12
	B. Monitoring and Reporting Program (MRP) Requirements	16
	C. Special Provisions.....	17
	1. Reopener Provisions	17
	2. Special Studies, Technical Reports and Additional Monitoring Requirements	17
	3. Best Management Practices and Pollution Prevention	18
	4. Construction, Operation and Maintenance Specifications	20
	5. Special Provisions for Municipal Facilities (POTWs Only) – Not Applicable	20
	6. Other Special Provisions	20
	7. Compliance Schedules.....	21
VII.	Compliance Determination – not applicable	21

List of Tables

Table 1.	Discharger Information	Cover
Table 2.	Discharge Location	Cover
Table 3.	Administrative Information	Cover
Table 4.	Facility Information.....	1
Table 5.	Basin Plan Beneficial Uses.....	4

List of Attachments

Attachment A – Definitions	A-1
Attachment B – Map	B-1
Attachment C – Flow Schematic.....	C-1
Attachment D – Standard Provisions.....	D-1
Attachment E – Monitoring and Reporting Program (MRP).....	E-1
Attachment F – Fact Sheet.....	F-1

I. FACILITY INFORMATION

The following Discharger is subject to waste discharge requirements as set forth in this Order:

Table 4. Facility Information

Discharger	State of California Department of Fish and Game
Name of Facility	Mt. Shasta Fish Hatchery, Oroville
Facility Address	3 North Old Stage Road
	Mt. Shasta, California 96067
	Siskiyou County
Facility Contact, Title, and Phone	James Adams, Fish Hatchery Manager II, 530-926-2215
Mailing Address	Same
Type of Facility	Fish Hatchery
Facility Design Flow	13.8 million gallons per day

II. FINDINGS

The California Regional Water Quality Control Board, Central Valley Region (hereinafter Regional Water Board), finds:

A. Background. The State of California Department of Fish and Game (hereinafter Discharger) is currently discharging pursuant to Order No. R5-2004-0116 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0004596. The Discharger submitted a Report of Waste Discharge, dated 14 May 2008, and applied for a NPDES permit renewal to discharge up to 13.8 million gallons per day of untreated wastewater from Mt. Shasta Fish Hatchery, hereinafter Facility. The application was deemed complete on 17 June 2008. Regional Water Board staff conducted a site visit on 29 July 2008 to observe operations and collect additional data to develop permit limitations and conditions.

For the purposes of this Order, references to the “discharger” or “permittee” in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Discharger herein.

B. Facility Description. The Discharger owns and operates a fish hatchery. Based on the ROWD, the Facility has an annual production of 100,000 pounds (lbs) of rainbow trout, 6,000 lbs of brown trout, and 4,000 lbs of brook trout. Annual Reports for the last two years report a total production of 128,000 lbs of fish produced and 210,000 lbs of food used in 2006, and 103,000 lbs of fish produced and 168,000 lbs of food used in 2007. The water supply enters a settling pond for pretreatment prior to hatchery use. The Discharger currently discharges an average of 11.64 mgd of fish hatchery flow-through wastewater with a design maximum of 13.8 mgd. An average of 10.67 mgd of flow-through hatchery wastewater from Building B, the earthen and concrete raceways,

and the spawning houses enters one of two settling ponds prior to discharging to Cold Creek (EFF-001). The wastewater flows through private property with grazing, private impoundments, and other agriculture uses before entering Cold Creek approximately one-half mile downstream. Approximately 0.97 mgd of wastewater from Building E and a rearing pond (Pond X) enters a single settling pond (Pond 38) prior to discharge to Wagon Creek (EFF-002). The Discharge flows across a private agricultural property prior to discharge to a private impoundment called Brown's Lake. The upper raceways have an overflow channel which discharges to Pond 38.

Domestic sewage from the hatchery buildings and private residences is discharged to septic tank/leachfield systems. Hatchery Building B and the shop have separate septic tanks with a common leachfield. The museum and an adjacent residence share a common septic tank/leachfield. The private residence adjacent to Pond X has a separate septic tank/leachfield. The remaining five residences and meat house have three septic tanks with a common leachfield.

Attachment C provides a flow schematic of the Facility.

- C. Legal Authorities.** This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260).
- D. Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application, through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for Order requirements, is hereby incorporated into this Order and constitutes part of the Findings for this Order. Attachments A through E are also incorporated into this Order.
- E. California Environmental Quality Act (CEQA).** Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code sections 21100-21177.
- F. Technology-based Effluent Limitations.** Section 301(b) of the CWA and implementing USEPA permit regulations at section 122.44, title 40 of the Code of Federal Regulations (CFR)¹ require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. The discharge authorized by this Order must meet minimum federal technology-based requirements based on Effluent Limitations Guidelines and Standards for the Concentrated Aquatic Animal Production Point Source Category in Part 451 and Best Professional Judgment

¹ All further statutory references are to title 40 of the Code of Federal Regulations unless otherwise indicated.

(BPJ) in accordance with Part 125, section 125.3. A detailed discussion of the technology-based effluent limitations development is included in the Fact Sheet (Attachment F).

- G. Water Quality-based Effluent Limitations.** Section 301(b) of the CWA and section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

Section 122.44(d)(1)(i) mandates that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (1) EPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed State criterion or policy interpreting the State's narrative criterion, supplemented with other relevant information, as provided in 40 CFR section 122.44(d)(1)(vi).

- H. Water Quality Control Plans.** The Regional Water Board adopted a *Water Quality Control Plan, Fourth Edition (Revised October 2007), for the Sacramento and San Joaquin River Basins* (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. The Basin Plan does not specifically identify beneficial uses for Cold Creek and Wagon Creek, but does identify present and potential uses for Lake Siskiyou, to which Wagon Creek and Cold Creek are tributary.

The beneficial uses of Lake Siskiyou are water contact recreation (REC-1), non-contact water recreation (REC-2), warm freshwater aquatic habitat (WARM), cold freshwater aquatic habitat (COLD), wildlife habitat (WILD), potentially cold spawning habitat (SPWN – COLD) and, pursuant to Resolution No. 88-63, municipal and domestic supply (MUN). The Basin Plan on page II-1.00 states: "Protection and enhancement of existing and potential beneficial uses are primary goals of water quality planning..." and with respect to disposal of wastewaters states that "disposal of wastewaters is [not] a prohibited use of waters of the State' it is merely a use which cannot be satisfied to the detriment of beneficial uses." In reviewing whether certain existing and/or potential uses of Lake Siskiyou apply to Wagon and Cold Creeks, the Regional Board has considered that the quality of water in Wagon and Cold Creeks affects the water quality downstream in Lake Siskiyou. Thus, the Regional Board finds that the beneficial uses identified in the Basin Plan for Lake Siskiyou are applicable to Wagon and Cold Creeks.

The beneficial uses of the underlying groundwater are municipal and domestic supply (MUN), industrial service supply (IND), industrial process supply (PRO) and agricultural supply irrigation (AGR).

Table 5. Basin Plan Beneficial Uses

Discharge Point	Receiving Water Name	Beneficial Use(s)
001 002	Cold Creek Wagon Creek and groundwaters	<u>Existing (surface water):</u> Municipal and domestic supply (MUN), agricultural supply (AGR), water contact and noncontact recreation (REC-1 and REC-2), freshwater habitat (WARM and COLD), fish migration (WARM and COLD), fish spawning (WARM and COLD), aesthetic enjoyment, and preservation and wildlife habitat (WILD)
003		<u>Existing (groundwater):</u> Municipal and domestic supply (MUN), agricultural supply (AGR), industrial service supply (IND), and industrial process supply (PRO).

- I. National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About forty criteria in the NTR applied in California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain water quality criteria for priority pollutants.
- J. State Implementation Policy.** On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000 with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this Order implement the SIP.
- K. Compliance Schedules and Interim Requirements.** In general, an NPDES permit must include final effluent limitations that are consistent with Clean Water Act section 301 and with 40 CFR 122.44(d). There are exceptions to this general rule. The State Water Board has concluded that where the Regional Water Board's Basin Plan allows for schedules of compliance and the Regional Water Board is newly interpreting a narrative standard, it may include schedules of compliance in the permit to meet effluent limits that implement a narrative standard. See In the Matter of Waste Discharge

Requirements for Avon Refinery (State Board Order WQ 2001-06 at pp. 53-55). See also *Communities for a Better Environment et al. v. State Water Resources Control Board*, 34 Cal.Rptr.3d 396, 410 (2005). The Basin Plan for the Sacramento and San Joaquin Rivers includes a provision that authorizes the use of compliance schedules in NPDES permits for water quality objectives that are adopted after the date of adoption of the Basin Plan, which was September 25, 1995 (See Basin Plan at page IV-16). Consistent with the State Water Board's Order in the CBE matter, the Regional Water Board has the discretion to include compliance schedules in NPDES permits when it is including an effluent limitation that is a "new interpretation" of a narrative water quality objective. This conclusion is also consistent with the United States Environmental Protection Agency policies and administrative decisions. See, e.g., Whole Effluent Toxicity (WET) Control Policy. The Regional Water Board, however, is not required to include a schedule of compliance, but may issue a Time Schedule Order pursuant to Water Code section 13300 or a Cease and Desist Order pursuant to Water Code section 13301 where it finds that the discharger is violating or threatening to violate the permit. The Regional Water Board will consider the merits of each case in determining whether it is appropriate to include a compliance schedule in a permit, and, consistent with the Basin Plan, should consider feasibility of achieving compliance, and must impose a schedule that is as short as practicable to achieve compliance with the objectives, criteria, or effluent limit based on the objective or criteria.

For CTR constituents, Section 2.1 of the SIP provides that, based on a Discharger's request and demonstration that it is infeasible for an existing Discharger to achieve immediate compliance with an effluent limitation derived from a CTR criterion, compliance schedules may be allowed in an NPDES permit. Unless an exception has been granted under section 5.3 of the SIP, a compliance schedule may not exceed 5 years from the date that the permit is issued or reissued, nor may it extend beyond 10 years from the effective date of the SIP (or May 18, 2010) to establish and comply with CTR criterion-based effluent limitations. Where a compliance schedule for a final effluent limitation exceeds 1 year, the Order must include interim numeric limitations for that constituent or parameter. Where allowed by the Basin Plan, compliance schedules and interim effluent limitations or discharge specifications may also be granted to allow time to implement a new or revised water quality objective. This Order does not include compliance schedules, interim effluent limitations, and/or interim discharge specifications.

- L. Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes. (40 CFR § 131.21; 65 Fed. Reg. 24641 (April 27, 2000).) Under the revised regulation (also known as the Alaska rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.

- M. Stringency of Requirements for Individual Pollutants.** This Order contains both technology-based and water quality-based effluent limitations for individual pollutants.

The technology-based effluent limitations consist of the requirements contained in 40 CFR Part 451 and restrictions on the flow rate and total suspended solids. This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements.

Water quality-based effluent limitations have been scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards. To the extent that toxic pollutant water quality-based effluent limitations were derived from the CTR, the CTR is the applicable standard pursuant to 40 CFR section 131.38. The scientific procedures for calculating the individual water quality-based effluent limitations are based on the CTR-SIP, which was approved by USEPA on May 1, 2001. All beneficial uses and water quality objectives contained in the Basin Plan were approved under state law and submitted to and approved by USEPA prior to May 30, 2000. Any water quality objectives and beneficial uses submitted to USEPA prior to May 30, 2000, but not approved by USEPA before that date, are nonetheless "*applicable water quality standards for purposes of the [Clean Water] Act*" pursuant to 40 CFR section 131.21(c)(1). Collectively, this Order's restrictions on individual pollutants are no more stringent than required to implement the technology-based requirements of the CWA and the applicable water quality standards for purposes of the CWA.

- N. Antidegradation Policy.** Section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 is consistent with the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. As discussed in detail in the Fact Sheet the permitted discharge is consistent with the antidegradation provision of section 131.12 and State Water Board Resolution No. 68-16.
- O. Salinity.** The project may increase total dissolved minerals and increase the electrical conductivity of Cold, Wagon and Big Springs Creeks. The amount of salinity increase in the receiving water is limited via a chloride effluent limitation and the effluent flow limitation. This permit requires the Discharger prepare a salinity evaluation and minimization plan.
- P. Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at title 40, Code of Federal Regulations section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order. Previous applicable effluent limitations remain applicable. BMPs and receiving water limitations have been added.

All receiving water beneficial uses will be protected and all water quality standards will be met in the receiving water.

- Q. Monitoring and Reporting.** Section 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorizes the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E.
- R. Standard and Special Provisions.** Standard Provisions, which apply to all NPDES permits in accordance with section 122.41, and additional conditions applicable to specified categories of permits in accordance with section 122.42, are provided in Attachment D. The discharger must comply with all standard provisions and with those additional conditions that are applicable under section 122.42. The Regional Water Board has also included in this Order special provisions applicable to the Discharger. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet.
- S. Provisions and Requirements Implementing State Law.** The provisions/requirements in subsections IV.B, IV.C, V.B, and VI.C of this Order are included to implement state law only. These provisions/requirements are not required or authorized under the federal CWA; consequently, violations of these provisions/requirements are not subject to the enforcement remedies that are available for NPDES violations.
- T. Notification of Interested Parties.** The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet of this Order.
- U. Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet of this Order.

III. DISCHARGE PROHIBITIONS

- A. Discharge of wastewater at a location or in a manner different from that described in the Findings is prohibited.
- B. Neither the discharge nor its treatment shall create a nuisance as defined in Section 13050 of the California Water Code.

- C. The discharge of hazardous or toxic substances including cleaning chemicals, solvents, oil, grease or other petroleum products, is prohibited.
- D. The by-pass or overflow of wastes to surface waters is prohibited, except as allowed by Federal Standard Provisions I.G and I.H (Attachment D).

IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

A. Effluent Limitations – Discharge Points 001 and 002

1. Final Effluent Limitations – Discharge Points 001 and 002

The Discharger shall maintain compliance with the following effluent limitations at Discharge Points 001 and 002 with compliance measured at Monitoring Location REC-001 and REC-002 as described in the attached MRP (Attachment E):

- a. The Discharger shall maintain compliance with the effluent limitations specified in Table 6:

Table 6. Effluent Limitations

Parameter	Units	Effluent Limitations			
		Average Monthly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Flow ¹	mgd	--	13.8	--	--
pH	standard units	--	--	6.0	9.0
Total Suspended Solids ²	mg/L	5	15	--	--
	lbs/day ³	580	1,730	--	--
Settleable Solids ^{2,4}	ml/L	0.1	0.2	--	--
Copper (Total Recoverable)	µg/L	1.98	3.89	--	--
Formaldehyde	mg/L	0.65	1.3	--	--
Chloride	mg/L	106	--	--	--

1 Total of D001 and D002.

2 Effluent limitations are net values (increase over source water).

3 Based on a design flow of 13.8 mgd.

4 Applicable to D001 and D002 only.

- b. The Discharger shall minimize the discharge of Biochemical Oxygen Demand and Total Suspended Solids through the implementation of the best management practices established in Special Provision VI.C.3 of this Order.

B. Land Discharge Specifications – Discharge Point 003

1. Percolation Pond Freeboard

Freeboard shall not be less than one foot (measured vertically to the lowest point of overflow), except if lesser freeboard does not threaten the integrity of the pond, no overflow of the pond occurs, and lesser freeboard is due to direct precipitation or storm water runoff occurring as a result of annual precipitation with greater than a 100-year recurrence interval, or a storm event with an intensity greater than a 25-year, 24-hour storm event.

C. Reclamation Specifications – Not Applicable

V. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

Receiving water limitations are based on water quality objectives contained in the Basin Plan and are a required part of this Order. The discharge shall not cause the following in Cold and/or Wagon Creeks:

1. **Bacteria.** The fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, to exceed a geometric mean of 200 MPN/100 mL, nor more than ten percent of the total number of fecal coliform samples taken during any 30-day period to exceed 400 MPN/100 mL.
2. **Biostimulatory Substances.** Water to contain biostimulatory substances which promote aquatic growths in concentrations that cause nuisance or adversely affect beneficial uses.
3. **Chemical Constituents.** Chemical constituents to be present in concentrations that adversely affect beneficial uses.
4. **Color.** Discoloration that causes nuisance or adversely affects beneficial uses.
5. **Dissolved Oxygen:**
 - a. The monthly median of the mean daily dissolved oxygen concentration to fall below 85 percent of saturation in the main water mass;
 - b. The 95 percentile dissolved oxygen concentration to fall below 75 percent of saturation; nor
 - c. The dissolved oxygen concentration to be reduced below 7.0 mg/L at any time.
6. **Floating Material.** Floating material to be present in amounts that cause nuisance or adversely affect beneficial uses.
7. **Oil and Grease.** Oils, greases, waxes, or other materials to be present in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
8. **pH.** The pH to be depressed below 6.5, raised above 8.5, nor changed by more than 0.5 units.
9. **Pesticides:**
 - a. Pesticides to be present, individually or in combination, in concentrations that adversely affect beneficial uses;

- b. Pesticides to be present in bottom sediments or aquatic life in concentrations that adversely affect beneficial uses;
- c. Total identifiable persistent chlorinated hydrocarbon pesticides to be present in the water column at concentrations detectable within the accuracy of analytical methods approved by USEPA or the Executive Officer.
- d. Pesticide concentrations to exceed those allowable by applicable antidegradation policies (see State Water Board Resolution No. 68-16 and 40 CFR §131.12.).
- e. Pesticide concentrations to exceed the lowest levels technically and economically achievable.
- f. Pesticides to be present in concentration in excess of the maximum contaminant levels set forth in California Code of Regulations, Title 22, Division 4, Chapter 15.
- g. Thiobencarb to be present in excess of 1.0 µg/L.
- h. The direct or indirect discharge of diazinon into the Sacramento and Feather Rivers or any sub-watershed if, in the previous year (July-June), any exceedance of the diazinon water quality objectives occurred.

10. Radioactivity:

- a. Radionuclides to be present in concentrations that are harmful to human, plant, animal, or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.
- b. Radionuclides to be present in excess of the maximum contaminant levels specified in Table 4 (MCL Radioactivity) of Section 64443 of Title 22 of the California Code of Regulations.

11. Suspended Sediments. The suspended sediment load and suspended sediment discharge rate of surface waters to be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

12. Settleable Substances. Substances to be present in concentrations that result in the deposition of material that causes nuisance or adversely affects beneficial uses.

13. Suspended Material. Suspended material to be present in concentrations that cause nuisance or adversely affect beneficial uses.

14. Taste and Odors. Taste- or odor-producing substances to be present in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses.

15. Temperature. The natural temperature to be increased by more than 5°F.

16. Toxicity. Toxic substances to be present, individually or in combination, in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.

17. Turbidity. The turbidity to increase as follows:

- a. More than 1 Nephelometric Turbidity Unit (NTU) where natural turbidity is between 0 and 5 NTUs.
- b. More than 20 percent where natural turbidity is between 5 and 50 NTUs.
- c. More than 10 NTU where natural turbidity is between 50 and 100 NTUs.
- d. More than 10 percent where natural turbidity is greater than 100 NTUs.

B. Groundwater Limitations

1. The discharge shall not cause the groundwater to be degraded, to exceed water quality objectives, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance.
2. The discharge shall not cause the groundwater to contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.
3. The discharge shall not cause toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life associated with designated beneficial uses. This limitation applies regardless of whether the toxicity is caused by a single substance or the interactive effect of multiple substances.

VI. PROVISIONS

A. Standard Provisions

1. The Discharger shall comply with all Standard Provisions included in Attachment D of this Order.
2. The Discharger shall comply with the following provisions:
 - a. If the Discharger's wastewater treatment plant is publicly owned or subject to regulation by California Public Utilities Commission, it shall be supervised and operated by persons possessing certificates of appropriate grade according to Title 23, CCR, Division 3, Chapter 26.
 - b. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
 - i. violation of any term or condition contained in this Order;
 - ii. obtaining this Order by misrepresentation or by failing to disclose fully all relevant facts;
 - iii. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and

iv. a material change in the character, location, or volume of discharge.

The causes for modification include:

- *New regulations.* New regulations have been promulgated under Section 405(d) of the Clean Water Act, or the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued.
- *Land application plans.* When required by a permit condition to incorporate a land application plan for beneficial reuse of sewage sludge, to revise an existing land application plan, or to add a land application plan.
- *Change in sludge use or disposal practice.* Under 40 Code of Federal Regulations (CFR) 122.62(a)(1), a change in the Discharger's sludge use or disposal practice is a cause for modification of the permit. It is cause for revocation and reissuance if the Discharger requests or agrees.

The Regional Water Board may review and revise this Order at any time upon application of any affected person or the Regional Water Board's own motion.

- c. If a toxic effluent standard or prohibition (including any scheduled compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the CWA, or amendments thereto, for a toxic pollutant that is present in the discharge authorized herein, and such standard or prohibition is more stringent than any limitation upon such pollutant in this Order, the Regional Water Board will revise or modify this Order in accordance with such toxic effluent standard or prohibition.

The Discharger shall comply with effluent standards and prohibitions within the time provided in the regulations that establish those standards or prohibitions, even if this Order has not yet been modified.

- d. This Order shall be modified, or alternately revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the CWA, if the effluent standard or limitation so issued or approved:
- i. contains different conditions or is otherwise more stringent than any effluent limitation in the Order; or
 - ii. controls any pollutant limited in the Order.

The Order, as modified or reissued under this paragraph, shall also contain any other requirements of the CWA then applicable.

- e. The provisions of this Order are severable. If any provision of this Order is found invalid, the remainder of this Order shall not be affected.

- f. The Discharger shall take all reasonable steps to minimize any adverse effects to waters of the State or users of those waters resulting from any discharge or sludge use or disposal in violation of this Order. Reasonable steps shall include such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge or sludge use or disposal.
- g. The Discharger shall ensure compliance with any existing or future pretreatment standard promulgated by USEPA under Section 307 of the CWA, or amendment thereto, for any discharge to the municipal system.
- h. The discharge of any radiological, chemical or biological warfare agent or high-level, radiological waste is prohibited.
- i. A copy of this Order shall be maintained at the discharge facility and be available at all times to operating personnel. Key operating personnel shall be familiar with its content.
- j. Safeguard to electric power failure:
 - i. The Discharger shall provide safeguards to assure that, should there be reduction, loss, or failure of electric power, the discharge shall comply with the terms and conditions of this Order.
 - ii. Upon written request by the Regional Water Board the Discharger shall submit a written description of safeguards. Such safeguards may include alternate power sources, standby generators, retention capacity, operating procedures, or other means. A description of the safeguards provided shall include an analysis of the frequency, duration, and impact of power failures experienced over the past five years on effluent quality and on the capability of the Discharger to comply with the terms and conditions of the Order. The adequacy of the safeguards is subject to the approval of the Regional Water Board.
 - iii. Should the treatment works not include safeguards against reduction, loss, or failure of electric power, or should the Regional Water Board not approve the existing safeguards, the Discharger shall, within ninety days of having been advised in writing by the Regional Water Board that the existing safeguards are inadequate, provide to the Regional Water Board and USEPA a schedule of compliance for providing safeguards such that in the event of reduction, loss, or failure of electric power, the Discharger shall comply with the terms and conditions of this Order. The schedule of compliance shall, upon approval of the Regional Water Board, become a condition of this Order.
- k. The Discharger, upon written request of the Regional Water Board, shall file with the Board a technical report on its preventive (failsafe) and contingency (cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. This report may be combined with that required under Regional Water Board Standard Provision VI.A.2.m.

The technical report shall:

- i. Identify the possible sources of spills, leaks, untreated waste by-pass, and contaminated drainage. Loading and storage areas, power outage, waste treatment unit outage, and failure of process equipment, tanks and pipes should be considered.
- ii. Evaluate the effectiveness of present facilities and procedures and state when they became operational.
- iii. Predict the effectiveness of the proposed facilities and procedures and provide an implementation schedule containing interim and final dates when they will be constructed, implemented, or operational.

The Regional Water Board, after review of the technical report, may establish conditions which it deems necessary to control accidental discharges and to minimize the effects of such events. Such conditions shall be incorporated as part of this Order, upon notice to the Discharger.

- I. A publicly owned treatment works (POTW) whose waste flow has been increasing, or is projected to increase, shall estimate when flows will reach hydraulic and treatment capacities of its treatment and disposal facilities. The projections shall be made in January, based on the last three years' average dry weather flows, peak wet weather flows and total annual flows, as appropriate. When any projection shows that capacity of any part of the facilities may be exceeded in four years, the Discharger shall notify the Regional Water Board by 31 January. A copy of the notification shall be sent to appropriate local elected officials, local permitting agencies and the press. Within 120 days of the notification, the Discharger shall submit a technical report showing how it will prevent flow volumes from exceeding capacity or how it will increase capacity to handle the larger flows. The Regional Water Board may extend the time for submitting the report.
- m. The Discharger shall submit technical reports as directed by the Executive Officer. All technical reports required herein that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geologic sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code, sections 6735, 7835, and 7835.1. To demonstrate compliance with Title 16, CCR, sections 415 and 3065, all technical reports must contain a statement of the qualifications of the responsible registered professional(s). As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.

- n. Laboratories that perform sample analyses must be identified in all monitoring reports submitted to the Regional Water Board and USEPA.
- o. The Discharger shall conduct analysis on any sample provided by USEPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to USEPA's DMQA manager.
- p. Effluent samples shall be taken downstream of the last addition of wastes to the treatment or discharge works where a representative sample may be obtained prior to mixing with the receiving waters. Samples shall be collected at such a point and in such a manner to ensure a representative sample of the discharge.
- q. All monitoring and analysis instruments and devices used by the Discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, at least yearly, to ensure their continued accuracy.
- r. The Discharger shall file with the Regional Water Board technical reports on self-monitoring performed according to the detailed specifications contained in the Monitoring and Reporting Program attached to this Order.
- s. The results of all monitoring required by this Order shall be reported to the Regional Water Board, and shall be submitted in such a format as to allow direct comparison with the limitations and requirements of this Order. Unless otherwise specified, discharge flows shall be reported in terms of the monthly average and the daily maximum discharge flows.
- t. The Regional Water Board is authorized to enforce the terms of this permit under several provisions of the CWC, including, but not limited to, sections 13385, 13386, and 13387.
- u. For POTWs, prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater that results in a decrease of flow in any portion of a watercourse, the Discharger must file a petition with the State Water Board, Division of Water Rights, and receive approval for such a change. (CWC section 1211).
- v. In the event the Discharger does not comply or will be unable to comply for any reason, with any prohibition, maximum daily effluent limitation, 1-hour average effluent limitation, or receiving water limitation contained in this Order, the Discharger shall notify the Regional Water Board by telephone (916) 464-3291 within 24 hours of having knowledge of such noncompliance, and shall confirm this notification in writing within five days, unless the Regional Water Board waives confirmation. The written notification shall include the information required by Attachment D, Section V.E.1 [40 CFR section 122.41(l)(6)(i)].

B. Monitoring and Reporting Program (MRP) Requirements

1. The Discharger shall comply with the MRP, and future revisions thereto, in Attachment E of this Order.

C. Special Provisions

1. Reopener Provisions

- a. This Order may be reopened for modification, or revocation and reissuance, as a result of the detection of a reportable priority pollutant generated by special conditions included in this Order. These special conditions may be, but are not limited to, fish tissue sampling, whole effluent toxicity, monitoring requirements on internal waste stream(s), and monitoring for surrogate parameters. Additional requirements may be included in this Order as a result of the special condition monitoring data.
- b. Conditions that necessitate a major modification of a permit are described in 40 CFR section 122.62, including:
 - i. If new or amended applicable water quality standards are promulgated or approved pursuant to Section 303 of the CWA, or amendments thereto, this permit may be reopened and modified in accordance with the new or amended standards.
 - ii. When new information, that was not available at the time of permit issuance, would have justified different permit conditions at the time of issuance.

2. Special Studies, Technical Reports and Additional Monitoring Requirements

- a. **Chemical and Aquaculture Drug Use.** This permit authorizes the discharge of oxytetracyclin, penicillin G, florfenicol, amoxycillin trihydrate, erythromycin, Romet-30, MS-222, carbon dioxide gas, sodium bicarbonate, Aqual-S, PVP Iodine, Formalin, hydrogen peroxide, potassium permanganate, copper sulfate, sodium chloride, acetic acid, and chloramine-T to Cold, Wagon and Big Springs Creeks in accordance with the effluent limitations, BMP plan requirements, Monitoring and Reporting requirements and other conditions of this permit. Other aquaculture chemicals or drugs that may enter the wastewater discharge can only be authorized if the Discharger submits a RWD to the Regional Water Board that contains the following supplemental information, and the Regional Board has issued waste discharge requirements or this Order has been opened and revised:
 - i. The common name(s) and active ingredient(s) of the drug or chemical proposed for use and discharge.
 - ii. The purpose for the proposed use of the drug or chemical (i.e. list the specific disease for treatment and specific species for treatment).
 - iii. The amount proposed for use and the resulting calculated concentration in the discharge.

- iv. The duration and frequency of the proposed use.
- v. Material Safety Data Sheets and available toxicity information.
- vi. Any related Investigational New Animal Drug (INAD), New Animal Drug Application (NADA) information, extra-label use requirements and/or veterinarian prescriptions.

The Discharger shall also submit acute toxicity test information on any new chemical or drug in accordance with methods specified in EPA600/4-90/027, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, using *Ceriodaphnia dubia* to determine the NOAEL, and LOAEL.

- b. **Percolation Pond Investigation.** Within 12 months of Order adoption, the Discharger shall submit a Percolation Pond Groundwater Quality Study Plan. The plan shall include a proposal to install at least one sentry well downgradient of the percolation pond capable of monitoring residual formaldehyde from the pond. Within 2 years of adoption of this Order and on approval of the design by the Regional Water Board, the Discharger shall install the sentry well(s) as approved and commence monitoring of the sentry well(s) as specified in the Monitoring and Reporting requirements of this permit. Based on the results of the monitoring, the Discharger may be required to complete an Antidegradation study including evaluations of alternative stack treatments and formaldehyde neutralization options. The Regional Water Board may waive this investigation requirement should the Discharger implement a formaldehyde-free hatching system (e.g. jar hatching) within two years of adoption of this Order (the Discharger shall notify the Regional Water Board of their intent within 12 months of adoption of this Order.)

3. Best Management Practices and Pollution Prevention

- a. **Salinity Evaluation and Minimization Plan.** The Discharger shall prepare a salinity evaluation and minimization plan to address sources of salinity and shall provide annual reports demonstrating reasonable progress in the reduction of salinity in its discharge. The plan shall be completed and submitted to the Regional Water Board **within 9 months of the effective date of this Order** for approval by the Executive Officer. The annual reports shall be submitted in accordance with the Monitoring and Reporting Program (Attachment E, Section X.D).
- b. **Best Management Practices and Pollution Prevention as Required in 40 CFR §451.11**

Within 60-days of adoption of this Order, the Discharger shall certify in writing to the Regional Water Board that it has developed a Best Management Practices (BMP) plan as required by 40 CFR Part 451. The Discharger shall develop and implement the BMP plan to prevent or minimize the generation and discharge of wastes and pollutants to the waters of the United States and waters of the State.

The Discharger shall develop and implement a BMP plan consistent with the following objectives:

- i. Solids control. The permittee must:
 - a) Employ efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth in order to minimize potential discharges of uneaten feed and waste products to waters of the U.S.
 - b) In order to minimize the discharge of accumulated solids from settling ponds and basins and production systems, identify and implement procedures for routine cleaning of rearing units and off-line settling basins, and procedures to minimize any discharge of accumulated solids during the inventorying, grading and harvesting aquatic animals in the production system.
 - c) Remove and dispose of aquatic animal mortalities properly on a regular basis to prevent discharge to waters of the U.S., except in cases where the permitting authority authorizes such discharge in order to benefit the aquatic environment.
- ii. Materials storage. The permittee must:
 - a) Ensure proper storage of drugs, pesticides, and feed in a manner designed to prevent spills that may result in the discharge of drugs, pesticides or feed to waters of the U.S.
 - b) Implement procedures for properly containing, cleaning, and disposing of any spilled material.
- iii. Structural maintenance. The permittee must:
 - a) Inspect the production system and the wastewater treatment system on a routine basis in order to identify and promptly repair any damage.
 - b) Conduct regular maintenance of the production system and the wastewater treatment system in order to ensure that they are properly functioning.
- iv. Recordkeeping. The permittee must:
 - a) In order to calculate representative feed conversion ratios, maintain records for aquatic animal rearing units documenting the feed amounts and estimates of the numbers and weight of aquatic animals.

- b) Keep records documenting the frequency of cleaning, inspections, maintenance and repairs.
- v. Training. The permittee must:
 - a) In order to ensure the proper clean-up and disposal of spilled material adequately train all relevant facility personnel in spill prevention and how to respond in the event of a spill.
 - b) Train staff on the proper operation and cleaning of production and wastewater treatment systems including training in feeding procedures and proper use of equipment.

The Discharger shall ensure that its operations staff are familiar with the BMP Plan and have been adequately trained in the specific procedures it requires.

4. Construction, Operation and Maintenance Specifications

- a. Collected screenings, residual sludge, biosolids, and other solids removed from liquid wastes shall be disposed of in a manner approved by the Executive Officer, and consistent with *Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste*, as set forth in Title 27, CCR, Division 2, Subdivision 1, section 20005, et seq. Removal for further treatment, disposal, or reuse at sites (i.e., landfill, composting sites, soil amendment sites) that are operated in accordance with valid waste discharge requirements issued by a regional water quality control board will satisfy these specifications.
- b. Any proposed change in sludge disposal practice, shall be reported to the Executive Officer at least **90 days** in advance of the change.

5. Special Provisions for Municipal Facilities (POTWs Only) – Not Applicable

6. Other Special Provisions

- a. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to the Regional Water Board.

To assume operation under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the State of incorporation if a corporation, address and telephone number of the persons responsible for contact with the Regional Water Board and a statement. The statement shall comply with the signatory and certification requirements in the Federal Standard Provisions (Attachment D, Section V.B.) and state that the new

owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the California Water Code. Transfer shall be approved or disapproved in writing by the Executive Officer.

7. Compliance Schedules

- a. This Order contains new final Effluent Limitations for copper based on California Toxics Rule criteria for the protection of freshwater aquatic life. The final Effluent Limitation for copper is applicable on the Effective Date of this permit. No compliance schedule is given for copper as the Discharger is required to meet all Effluent Limitations on the effective date of this permit.

VII. COMPLIANCE DETERMINATION – NOT APPLICABLE

ATTACHMENT A – DEFINITIONS

Arithmetic Mean (μ), also called the average, is the sum of measured values divided by the number of samples. For ambient water concentrations, the arithmetic mean is calculated as follows:

Arithmetic mean = $\mu = \Sigma x / n$ where: Σx is the sum of the measured ambient water concentrations, and n is the number of samples.

Average Monthly Effluent Limitation (AMEL): the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Effluent Limitation (AWEL): the highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best Practicable Treatment or Control (BPTC): BPTC is a requirement of State Water Resources Control Board Resolution 68-16 – “Statement of Policy with Respect to Maintaining High Quality of Waters in California” (referred to as the “Antidegradation Policy”). BPTC is the treatment or control of a discharge necessary to assure that, “(a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.” Pollution is defined in CWC Section 13050(I). In general, an exceedance of a water quality objective in the Basin Plan constitutes “pollution”.

Bioaccumulative pollutants are those substances taken up by an organism from its surrounding medium through gill membranes, epithelial tissue, or from food and subsequently concentrated and retained in the body of the organism.

Carcinogenic pollutants are substances that are known to cause cancer in living organisms.

Coefficient of Variation (CV) is a measure of the data variability and is calculated as the estimated standard deviation divided by the arithmetic mean of the observed values.

Daily Discharge: Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the

arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if 1 day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

Detected, but Not Quantified (DNQ) are those sample results less than the RL, but greater than or equal to the laboratory's MDL.

Dilution Credit is the amount of dilution granted to a discharge in the calculation of a water quality-based effluent limitation, based on the allowance of a specified mixing zone. It is calculated from the dilution ratio or determined through conducting a mixing zone study or modeling of the discharge and receiving water.

Effluent Concentration Allowance (ECA) is a value derived from the water quality criterion/objective, dilution credit, and ambient background concentration that is used, in conjunction with the coefficient of variation for the effluent monitoring data, to calculate a long-term average (LTA) discharge concentration. The ECA has the same meaning as waste load allocation (WLA) as used in U.S. EPA guidance (Technical Support Document For Water Quality-based Toxics Control, March 1991, second printing, EPA/505/2-90-001).

Enclosed Bays means indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. Enclosed bays include, but are not limited to, Humboldt Bay, Bodega Harbor, Tomales Bay, Drake's Estero, San Francisco Bay, Morro Bay, Los Angeles-Long Beach Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay. Enclosed bays do not include inland surface waters or ocean waters.

Estimated Chemical Concentration is the estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the ML value.

Estuaries means waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Coastal lagoons and mouths of streams that are temporarily separated from the ocean by sandbars shall be considered estuaries. Estuarine waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and seawater. Estuarine waters included, but are not limited to, the Sacramento-San Joaquin Delta, as defined in Water Code section 12220, Suisun Bay, Carquinez Strait downstream to the Carquinez Bridge, and appropriate areas of the Smith, Mad, Eel, Noyo, Russian, Klamath, San Diego, and Otay rivers. Estuaries do not include inland surface waters or ocean waters.

Inland Surface Waters are all surface waters of the State that do not include the ocean, enclosed bays, or estuaries.

Instantaneous Maximum Effluent Limitation: the highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

Instantaneous Minimum Effluent Limitation: the lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

Maximum Daily Effluent Limitation (MDEL) means the highest allowable daily discharge of a pollutant, over a calendar day (or 24-hour period). For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the arithmetic mean measurement of the pollutant over the day.

Median is the middle measurement in a set of data. The median of a set of data is found by first arranging the measurements in order of magnitude (either increasing or decreasing order). If the number of measurements (n) is odd, then the median = $X_{(n+1)/2}$. If n is even, then the median = $(X_{n/2} + X_{(n/2)+1})/2$ (i.e., the midpoint between the $n/2$ and $n/2+1$).

Method Detection Limit (MDL) is the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in title 40 of the Code of Federal Regulations, Part 136, Attachment B, revised as of July 3, 1999.

Minimum Level (ML) is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

Mixing Zone is a limited volume of receiving water that is allocated for mixing with a wastewater discharge where water quality criteria can be exceeded without causing adverse effects to the overall water body.

Not Detected (ND) are those sample results less than the laboratory's MDL.

Ocean Waters are the territorial marine waters of the State as defined by California law to the extent these waters are outside of enclosed bays, estuaries, and coastal lagoons. Discharges to ocean waters are regulated in accordance with the State Water Board's California Ocean Plan.

Persistent pollutants are substances for which degradation or decomposition in the environment is nonexistent or very slow.

Pollutant Minimization Program (PMP) means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management methods, and education of the public and businesses. The

goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Regional Water Board may consider cost effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan, if required pursuant to Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

Pollution Prevention means any action that causes a net reduction in the use or generation of a hazardous substance or other pollutant that is discharged into water and includes, but is not limited to, input change, operational improvement, production process change, and product reformulation (as defined in Water Code section 13263.3). Pollution prevention does not include actions that merely shift a pollutant in wastewater from one environmental medium to another environmental medium, unless clear environmental benefits of such an approach are identified to the satisfaction of the State or Regional Water Board.

Reporting Level (RL) is the ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Regional Water Board either from Appendix 4 of the SIP in accordance with section 2.4.2 of the SIP or established in accordance with section 2.4.3 of the SIP. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the RL.

Satellite Collection System is the portion, if any, of a sanitary sewer system owned or operated by a different public agency than the agency that owns and operates the wastewater treatment facility that a sanitary sewer system is tributary to.

Source of Drinking Water is any water designated as municipal or domestic supply (MUN) in a Regional Water Board Basin Plan.

Standard Deviation (σ) is a measure of variability that is calculated as follows:

$$\sigma = \left(\frac{\sum[(x - \mu)^2]}{(n - 1)} \right)^{0.5}$$

where:

x is the observed value;

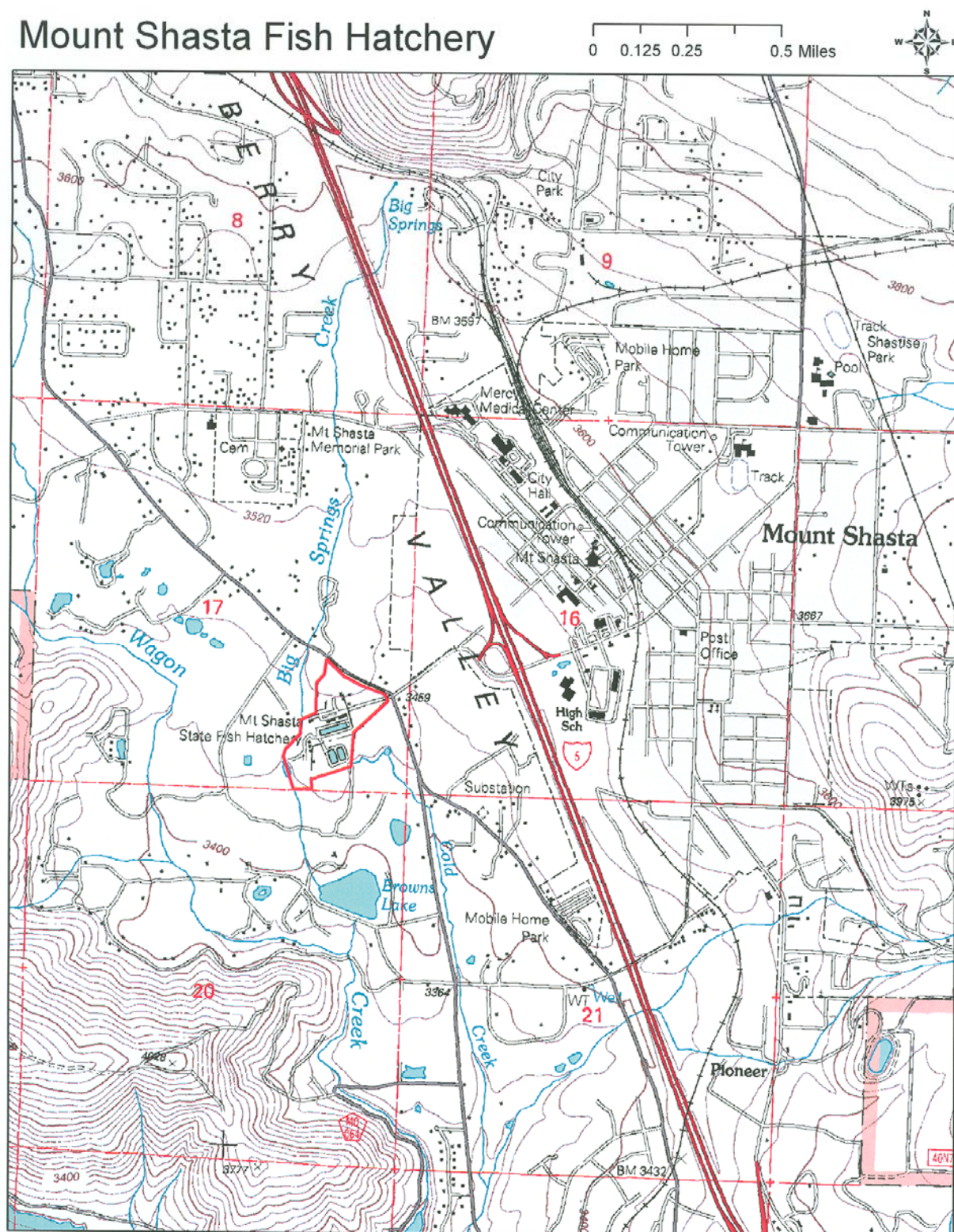
μ is the arithmetic mean of the observed values; and

n is the number of samples.

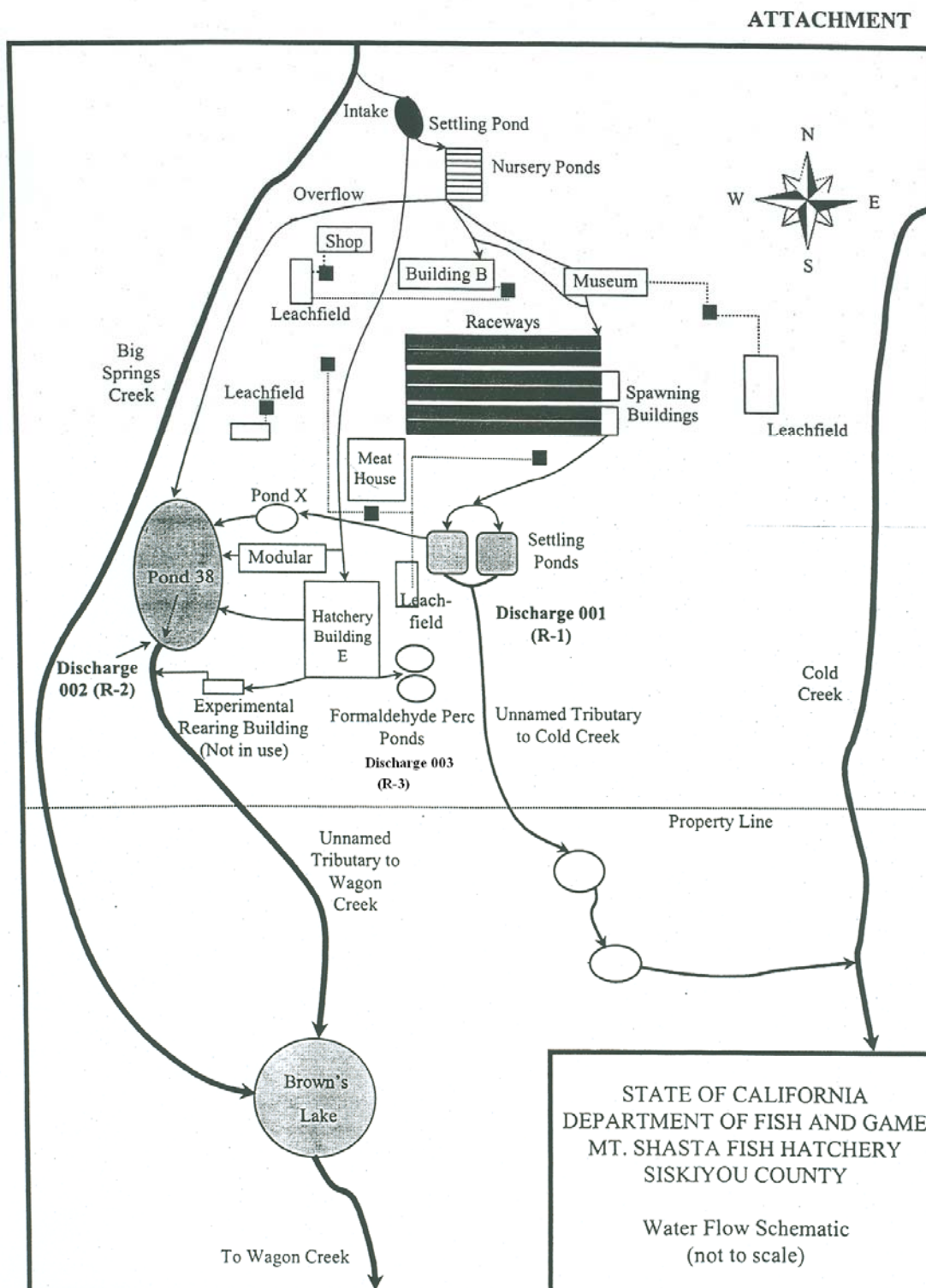
Toxicity Reduction Evaluation (TRE) is a study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity,

evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection of data relevant to the toxicity, including additional toxicity testing, and an evaluation of facility operations and maintenance practices, and best management practices. A Toxicity Identification Evaluation (TIE) may be required as part of the TRE, if appropriate. (A TIE is a set of procedures to identify the specific chemical(s) responsible for toxicity. These procedures are performed in three phases (characterization, identification, and confirmation) using aquatic organism toxicity tests.)

ATTACHMENT B – MAP



ATTACHMENT C – FLOW SCHEMATIC



ATTACHMENT D –STANDARD PROVISIONS

I. STANDARD PROVISIONS – PERMIT COMPLIANCE

A. Duty to Comply

1. The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. (40 C.F.R. § 122.41(a).)
2. The Discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 C.F.R. § 122.41(a)(1).)

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order. (40 C.F.R. § 122.41(c).)

C. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment. (40 C.F.R. § 122.41(d).)

D. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order. (40 C.F.R. § 122.41(e).)

E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 C.F.R. § 122.41(g).)

2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 C.F.R. § 122.5(c).)

F. Inspection and Entry

The Discharger shall allow the Regional Water Board, State Water Board, United States Environmental Protection Agency (USEPA), and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to (40 C.F.R. § 122.41(i); Wat. Code, § 13383):

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (40 C.F.R. § 122.41(i)(1));
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (40 C.F.R. § 122.41(i)(2));
3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order (40 C.F.R. § 122.41(i)(3)); and
4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (40 C.F.R. § 122.41(i)(4).)

G. Bypass

1. Definitions
 - a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. (40 C.F.R. § 122.41(m)(1)(i).)
 - b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 C.F.R. § 122.41(m)(1)(ii).)
2. Bypass not exceeding limitations. The Discharger may allow any bypass to occur which does not cause exceedances of effluent limitations, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions listed in Standard Provisions – Permit Compliance I.G.3, I.G.4, and I.G.5 below. (40 C.F.R. § 122.41(m)(2).)

3. Prohibition of bypass. Bypass is prohibited, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless (40 C.F.R. § 122.41(m)(4)(i)):
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 C.F.R. § 122.41(m)(4)(i)(A));
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance (40 C.F.R. § 122.41(m)(4)(i)(B)); and
 - c. The Discharger submitted notice to the Regional Water Board as required under Standard Provisions – Permit Compliance I.G.5 below. (40 C.F.R. § 122.41(m)(4)(i)(C).)
4. The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance I.G.3 above. (40 C.F.R. § 122.41(m)(4)(ii).)
5. Notice
 - a. Anticipated bypass. If the Discharger knows in advance of the need for a bypass, it shall submit a notice, if possible at least 10 days before the date of the bypass. (40 C.F.R. § 122.41(m)(3)(i).)
 - b. Unanticipated bypass. The Discharger shall submit notice of an unanticipated bypass as required in Standard Provisions - Reporting V.E below (24-hour notice). (40 C.F.R. § 122.41(m)(3)(ii).)

H. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 C.F.R. § 122.41(n)(1).)

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance I.H.2 below are met. No determination made during administrative review of claims that noncompliance was

caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 C.F.R. § 122.41(n)(2).).

2. Conditions necessary for a demonstration of upset. A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 C.F.R. § 122.41(n)(3)):
 - a. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 C.F.R. § 122.41(n)(3)(i));
 - b. The permitted facility was, at the time, being properly operated (40 C.F.R. § 122.41(n)(3)(ii));
 - c. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting V.E.2.b below (24-hour notice) (40 C.F.R. § 122.41(n)(3)(iii)); and
 - d. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance I.C above. (40 C.F.R. § 122.41(n)(3)(iv).)
3. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 C.F.R. § 122.41(n)(4).)

II. STANDARD PROVISIONS – PERMIT ACTION

A. General

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition. (40 C.F.R. § 122.41(f).)

B. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit. (40 C.F.R. § 122.41(b).)

C. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the Water Code. (40 C.F.R. § 122.41(l)(3); § 122.61.)

III. STANDARD PROVISIONS – MONITORING

- A.** Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 C.F.R. § 122.41(j)(1).)
- B.** Monitoring results must be conducted according to test procedures under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Part 503 unless other test procedures have been specified in this Order. (40 C.F.R. § 122.41(j)(4); § 122.44(i)(1)(iv).)

IV. STANDARD PROVISIONS – RECORDS

- A.** Except for records of monitoring information required by this Order related to the Discharger's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by Part 503), the Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Water Board Executive Officer at any time. (40 C.F.R. § 122.41(j)(2).)

B. Records of monitoring information shall include:

- 1. The date, exact place, and time of sampling or measurements (40 C.F.R. § 122.41(j)(3)(i));
- 2. The individual(s) who performed the sampling or measurements (40 C.F.R. § 122.41(j)(3)(ii));
- 3. The date(s) analyses were performed (40 C.F.R. § 122.41(j)(3)(iii));
- 4. The individual(s) who performed the analyses (40 C.F.R. § 122.41(j)(3)(iv));
- 5. The analytical techniques or methods used (40 C.F.R. § 122.41(j)(3)(v)); and
- 6. The results of such analyses. (40 C.F.R. § 122.41(j)(3)(vi).)

C. Claims of confidentiality for the following information will be denied (40 C.F.R. § 122.7(b)):

- 1. The name and address of any permit applicant or Discharger (40 C.F.R. § 122.7(b)(1)); and
- 2. Permit applications and attachments, permits and effluent data. (40 C.F.R. § 122.7(b)(2).)

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

The Discharger shall furnish to the Regional Water Board, State Water Board, or USEPA within a reasonable time, any information which the Regional Water Board, State Water Board, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Regional Water Board, State Water Board, or USEPA copies of records required to be kept by this Order. (40 C.F.R. § 122.41(h); Wat. Code, § 13267.)

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or USEPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, and V.B.5 below. (40 C.F.R. § 122.41(k).)
2. All permit applications shall be signed by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA). (40 C.F.R. § 122.22(a)(3).)
3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or USEPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above (40 C.F.R. § 122.22(b)(1));
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 C.F.R. § 122.22(b)(2)); and
 - c. The written authorization is submitted to the Regional Water Board and State Water Board. (40 C.F.R. § 122.22(b)(3).)

4. If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting V.B.3 above must be submitted to the Regional Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 C.F.R. § 122.22(c).)
5. Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.” (40 C.F.R. § 122.22(d).)

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order. (40 C.F.R. § 122.22(l)(4).)
2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board for reporting results of monitoring of sludge use or disposal practices. (40 C.F.R. § 122.41(l)(4)(i).)
3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under Part 136 or, in the case of sludge use or disposal, approved under Part 136 unless otherwise specified in Part 503, or as specified in this Order, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Regional Water Board. (40 C.F.R. § 122.41(l)(4)(ii).)
4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this Order. (40 C.F.R. § 122.41(l)(4)(iii).)

D. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order, shall be submitted no later than 14 days following each schedule date. (40 C.F.R. § 122.41(l)(5).)

E. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. (40 C.F.R. § 122.41(l)(6)(i).)
2. The following shall be included as information that must be reported within 24 hours under this paragraph (40 C.F.R. § 122.41(l)(6)(ii)):
 - a. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(A).)
 - b. Any upset that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(B).)
3. The Regional Water Board may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours. (40 C.F.R. § 122.41(l)(6)(iii).)

F. Planned Changes

The Discharger shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when (40 C.F.R. § 122.41(l)(1)):

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in section 122.29(b) (40 C.F.R. § 122.41(l)(1)(i)); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order. (40 C.F.R. § 122.41(l)(1)(ii).)
3. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 C.F.R. § 122.41(l)(1)(iii).)

G. Anticipated Noncompliance

The Discharger shall give advance notice to the Regional Water Board or State Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with General Order requirements. (40 C.F.R. § 122.41(l)(2).)

H. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E above. (40 C.F.R. § 122.41(l)(7).)

I. Other Information

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, State Water Board, or USEPA, the Discharger shall promptly submit such facts or information. (40 C.F.R. § 122.41(l)(8).)

VI. STANDARD PROVISIONS – ENFORCEMENT

- A.** The Regional Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, sections 13385, 13386, and 13387.

VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

A. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural Dischargers shall notify the Regional Water Board as soon as they know or have reason to believe (40 C.F.R. § 122.42(a)):

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" (40 C.F.R. § 122.42(a)(1)):
 - a. 100 micrograms per liter (µg/L) (40 C.F.R. § 122.42(a)(1)(i));
 - b. 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (mg/L) for antimony (40 C.F.R. § 122.42(a)(1)(ii));
 - c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 C.F.R. § 122.42(a)(1)(iii)); or

- d. The level established by the Regional Water Board in accordance with section 122.44(f). (40 C.F.R. § 122.42(a)(1)(iv).)
- 2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" (40 C.F.R. § 122.42(a)(2)):
 - a. 500 micrograms per liter (µg/L) (40 C.F.R. § 122.42(a)(2)(i));
 - b. 1 milligram per liter (mg/L) for antimony (40 C.F.R. § 122.42(a)(2)(ii));
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 C.F.R. § 122.42(a)(2)(iii)); or
 - d. The level established by the Regional Water Board in accordance with section 122.44(f). (40 C.F.R. § 122.42(a)(2)(iv).)

ATTACHMENT E – MONITORING AND REPORTING PROGRAM

Table of Contents

Attachment E – Monitoring and Reporting Program (MRP).....	E-1
I. General Monitoring Provisions.....	E-1
II. Monitoring Locations	E-1
III. Influent Monitoring Requirements.....	E-1
A. Monitoring Location INF-001.....	E-1
IV. Effluent Monitoring Requirements	E-1
A. Monitoring Locations EFF-001 and EFF-002 (Discharges 001 and 002).....	E-1
V. Whole Effluent Toxicity Testing Requirements – NOT APPLICABLE.....	E-1
VI. Land Discharge Monitoring Requirements – Not Applicable	E-1
VII. Reclamation Monitoring Requirements – Not Applicable.....	E-1
VIII. Receiving Water Monitoring Requirements – Surface Water and Groundwater	E-1
A. Monitoring Location RSW-001 AND RSW-002	E-1
IX. Other Monitoring Requirements.....	E-1
A. Septic Tank Monitoring And Inspections.....	E-1
B. Leachfield Monitoring.....	E-1
C. Monthly Drug and Chemical Use Report.....	E-1
X. Reporting Requirements.....	E-1
A. General Monitoring and Reporting Requirements.....	E-1
B. Self Monitoring Reports (SMRs)	E-1
C. Discharge Monitoring Reports (DMRs) – Not Applicable	E-1
D. Other Reports	E-1

List of Tables

Table E-1. Monitoring Station Locations	E-1
Table E-2. Influent Monitoring.....	E-1
Table E-3. Effluent Monitoring (EFF-001 and 002)	E-1
Table E-4. Receiving Water Monitoring Requirements RSW-001 and RSW-002	E-1
Table E-5. Monitoring Periods and Reporting Schedule	E-1
Table E-6. Reporting Requirements for Special Provisions Progress Reports	E-1

ATTACHMENT E – MONITORING AND REPORTING PROGRAM (MRP)

The Code of Federal Regulations section 122.48 requires that all NPDES permits specify monitoring and reporting requirements. Water Code Sections 13267 and 13383 also authorize the Regional Water Quality Control Board (Regional Water Board) to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements, which implement the federal and state regulations.

I. GENERAL MONITORING PROVISIONS

- A. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring locations specified below and, unless otherwise specified, before the monitored flow joins or is diluted by any other waste stream, body of water, or substance. Monitoring locations shall not be changed without notification to and the approval of this Regional Water Board.
- B. Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event a certified laboratory is not available to the Discharger, analyses performed by a noncertified laboratory will be accepted provided a Quality Assurance-Quality Control Program is instituted by the laboratory. A manual containing the steps followed in this program must be kept in the laboratory and shall be available for inspection by Regional Water Board staff. The Quality Assurance-Quality Control Program must conform to USEPA guidelines or to procedures approved by the Regional Water Board.
- C. All analyses shall be performed in a laboratory certified to perform such analyses by the California Department of Health Services. Laboratories that perform sample analyses shall be identified in all monitoring reports.
- D. Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. All monitoring instruments and devices used by the Discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year to ensure continued accuracy of the devices. Calculated flows shall be calculated consistent with accepted engineering practices.
- E. Monitoring results, including noncompliance, shall be reported at intervals and in a manner specified in this Monitoring and Reporting Program.

II. MONITORING LOCATIONS

The Discharger shall establish the following monitoring locations to demonstrate compliance with the effluent limitations, discharge specifications, and other requirements in this Order:

Table E-1. Monitoring Station Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description (include Latitude and Longitude when available)
--	INF-001	Location representative of influent water to the process (41°, 18', 34" N, 122°, 19', 44" W)
001	EFF-001	Settling pond discharge to Cold Creek tributary (41°, 18', 24" N, 122°, 19', 41" W)
002	EFF-002	Pond 38 discharge to Wagon Creek tributary (41°, 18', 21" N, 122°, 19', 50" W)
003	PND-003	Hatchery building discharge to the percolation pond (41°, 18', 22" N, 122°, 19', 50" W)
--	R-1	Downstream of Discharge 001
--	R-2	Downstream of Discharge 002

III. INFLUENT MONITORING REQUIREMENTS

A. Monitoring Location INF-001

- The Discharger shall monitor influent to the facility at INF-001 as follows:

Table E-2. Influent Monitoring

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Hardness	mg/L	Grab	weekly during CuSO ₄ use ¹	
pH	--	Grab	1/month	
Total Suspended Solids	mg/L	Grab	1/month	
Settleable Matter	mL/L	Grab	1/month	
Electrical Conductivity @ 25°C	µmhos/cm	Grab	1/month during salt use ²	
Temperature	C	Grab	1/month	
Dissolved Oxygen	mg/L	Grab	1/month	
Turbidity	NTU	Grab	1/month	

¹ Samples shall coincide with copper usage. Hardness and pH shall be sampled and reported with the copper results.

² Samples shall be collected during months of sodium chloride usage.

IV. EFFLUENT MONITORING REQUIREMENTS

A. Monitoring Locations EFF-001 and EFF-002 (Discharges 001 and 002)

1. **Discharge Flow Rates.** The Discharger shall monitor the discharge flow rates at EFF-001 and EFF-002 when there is a discharge. Flows shall be reported in millions of gallons per day (mgd) and shall be calculated or measured and recorded weekly.
2. **Discharge Water Quality.** Effluent samples shall be collected from EFF-001 and EFF-002. Effluent samples shall be representative of the volume and quality of the discharge. Effluent samples shall be collected during or immediately following raceway cleaning or administration of drug or chemical treatments and must be representative of the volume and quality of the discharge at the time when representative levels of solids, drugs, chemicals, or other pollutants are present in the discharge. Time of collection of samples shall be recorded. Effluent monitoring shall include the following:

Table E-3. Effluent Monitoring (EFF-001 and 002)

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Suspended Solids (TSS)	mg/L	Grab	1/month	1
Net TSS (effluent minus influent)	mg/L	Net Calculation	1/month	1
Settleable Solids	mg/L	Grab	1/month	1
pH	--	Grab	1/month during CuSO ₄ use ²	1
Hardness	mg/L	Grab	1/month during CuSO ₄ use ²	1
Copper (Total and Dissolved)	µg/L	Grab	1/month during CuSO ₄ use ²	1
Chloride	mg/L	Grab	1/month during salt use ³	1
Electrical Conductivity	µmhos/cm	Grab	1/month during salt use ³	1
Formaldehyde	mg/L	Grab	1/month during Formalin use ⁴	1
Hydrogen peroxide	mg/L	Grab	1/month during H ₂ O ₂ use	1
Potassium permanganate	mg/L	Grab	1/month during KMnO ₄ use	1
PVP Iodine	mg/L	Grab	1/month during Iodine use	1
Chloramine-T	mg/L	Grab	1/month during Chloramine-T use	1
Priority Pollutants	µg/L	Grab	1/5 years	1

¹ Pollutants shall be analyzed using the analytical methods described in 40 CFR sections 136; for priority pollutants the methods must meet the lowest minimum levels (MLs) specified in Attachment 4 of the SIP, where no methods are specified for a given pollutant, by methods approved by this Regional Water Board or the State Water Board.

² In months when copper sulfate is added to the waters of the Facility, total recoverable copper concentration shall be measured during copper sulfate use. The highest acceptable ML for calibration purposes is 0.5 µg/l. The sample shall be collected during the time of peak discharge of copper, at least one hour after start of treatment. Effluent hardness and pH shall be measured at the same time as total recoverable copper.

³ In months when sodium chloride is added to waters of the Facility, chloride concentration shall be measured during sodium chloride use.

⁴ In months when Formalin is added to the waters of the Facility, formaldehyde concentration shall be measured during Formalin use.

V. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS – NOT APPLICABLE

VI. LAND DISCHARGE MONITORING REQUIREMENTS

A. Monitoring Location PND-003 (Percolation Pond)

1. **Discharge Flow Rate.** The Discharger shall monitor the discharge flow rates at PND-003 (the discharge point into the percolation pond) when there is a discharge. Flows shall be reported in millions of gallons per day (mgd) and shall be calculated or measured and recorded weekly.
2. **Discharge Water Quality.** Effluent samples shall be collected from PND-003. Effluent samples shall be representative of the volume and quality of the discharge. Effluent samples shall be collected on a monthly basis during Formalin treatments and analyzed for formaldehyde. Time of collection of samples shall be recorded. Sampling is not required during months when no Formalin is used.
3. **Pond Freeboard.** Percolation pond freeboard shall be measured monthly to the nearest 0.1 foot during the months when formaldehyde-containing water is discharged to the percolation ponds and ending one calendar month after the last seasonal discharge of formaldehyde-containing water to the percolation pond.

B. Percolation Pond Monitoring Well

After installation, the percolation pond monitoring well(s) shall be sampled and analyzed monthly for formaldehyde beginning at least one week prior to the first seasonal discharge of formaldehyde-containing water to the percolation pond and ending one calendar month after the last seasonal discharge of formaldehyde-containing water to the percolation pond.

VII. RECLAMATION MONITORING REQUIREMENTS – NOT APPLICABLE

VIII. RECEIVING WATER MONITORING REQUIREMENTS – SURFACE WATER AND GROUNDWATER

A. Monitoring Location RSW-001 AND RSW-002

1. Receiving water samples shall be collected at the same time as the water supply samples. Receiving water monitoring shall include at least the following:

<u>Station</u>	<u>Description</u>
R-1	Downstream of EFF-001
R-2	Downstream of EFF-002

Table E-4. Receiving Water Monitoring Requirements RSW-001 and RSW-002

Parameter	Units	Sample Type	Minimum Sampling	Required Analytical
-----------	-------	-------------	------------------	---------------------

			Frequency	Test Method
Dissolved Oxygen	mg/L	Grab	1/month	
Temperature	°C	Grab	1/month	
Electrical Conductivity @ 25°C	µmhos/ cm	Grab	1/month ¹	
pH	--	Grab	1/month	
Turbidity	NTU	Grab	1/month	

¹ When salt is added to waters of the facility.

Parameters shall be measured at all sampling stations each month.

2. In conducting the receiving water sampling, a log shall be kept of the receiving water conditions through the reaches bounded by Stations RSW-0001 and RSW-002. Attention shall be given to the presence or absence of:

- a. Floating or suspended matter
- b. Discoloration
- c. Bottom deposits
- d. Aquatic life
- e. Visible films, sheens, or coatings
- f. Fungi, slimes, or objectionable growths
- g. Potential nuisance conditions

Notes on receiving water conditions shall be summarized in the monitoring report.

IX. OTHER MONITORING REQUIREMENTS

A. Septic Tank Monitoring And Inspections

Septic tank maintenance inspections shall be performed at least once per year. Information concerning inspections and maintenance activities (including, but not limited to, pumping, replacement, and repairs) shall be included in the monitoring reports submitted to the Regional Board.

B. Leachfield Monitoring

The Discharger shall inspect leachfield areas and submit the results in the monthly monitoring report. Monitoring shall include any observations of seeps, erosion, field saturation, ponding liquid, the presence of nuisance and other field conditions.

C. Monthly Drug and Chemical Use Report

The following information shall be submitted for all aquaculture drugs or chemicals used at the Facility:

- a. The name(s) and active ingredient(s) of the drug or chemical.
- b. The date(s) of application.
- c. The purpose(s) for the application.

- d. The method of application (e.g. immersion bath, administered in feed), duration of treatment, whether the treatment was static or flush (for drugs or chemicals applied directly to water), amount in gallons or pounds used, treatment concentration(s), and the flow in cubic feet per second (cfs) in the treatment units.
- e. The total flow through the facility in cubic feet per second (cfs) to the discharge point after mixing with the treated water.
- f. For drugs and chemicals applied directly to water (i.e. immersion bath, flush treatment) and for which effluent monitoring is not otherwise required, the estimated concentration in the effluent at the point of discharge.
- g. The method of disposal for drugs or chemicals used but not discharged in the effluent.

Calculation of Concentration

For drugs or chemicals used in an immersion bath, “drip” treatment, or in other direct application to waters at the facility, use the following formula to calculate concentration (C) at the point of discharge.

C = concentration of chemical or drug at the point of discharge

$C = (\text{treatment concentration}) \times (\text{flow in treatment area}) \div (\text{flow at point of discharge})$

Example: Potassium permanganate concentration

$$C = 2.0 \text{ mg/L (KMNO}_4\text{)} \times \frac{0.45 \text{ mgd (flow through treatment area)}}{5.0 \text{ mgd (flow at point of discharge)}}$$

$$C = 2.0 \text{ mg/L} \times 0.09$$

C = 0.18 mg/L potassium permanganate at the point of discharge.

This information shall be submitted monthly. If the analysis of this chemical use compared with any toxicity testing results or other available information for the therapeutic agent, chemical or anesthetic indicates that the discharge may cause, have the reasonable potential to cause, or contribute to an excursion of a numeric or narrative water quality criterion or objective, the Executive Officer may require site specific whole effluent toxicity (WET) tests using *C. dubia* or this Order may be reopened to include an effluent limitation based on that objective.

X. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

1. The Discharger shall comply with all Standard Provisions (Attachment D) related to monitoring, reporting, and recordkeeping.
2. Upon written request of the Regional Water Board, the Discharger shall submit a summary monitoring report. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year(s).
3. **Compliance Time Schedules.** For compliance time schedules included in the Order, the Discharger shall submit to the Regional Water Board, on or before each compliance due date, the specified document or a written report detailing compliance or noncompliance with the specific date and task. If noncompliance is reported, the Discharger shall state the reasons for noncompliance and include an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Water Board by letter when it returns to compliance with the compliance time schedule.
4. The Discharger shall report to the Regional Water Board any toxic chemical release data it reports to the State Emergency Response Commission within 15 days of reporting the data to the Commission pursuant to section 313 of the "Emergency Planning and Community Right to Know Act of 1986.
5. **Reporting Protocols.** The Discharger shall report with each sample result the applicable Reporting Level (RL) and the current Method Detection Limit (MDL), as determined by the procedure in Part 136.

The Discharger shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:

- a. Sample results greater than or equal to the RL shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).
- b. Sample results less than the RL, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified," or DNQ. The estimated chemical concentration of the sample shall also be reported.

For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ as well as the words "Estimated Concentration" (may be shortened to "Est. Conc."). The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy (\pm a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.

- c. Sample results less than the laboratory's MDL shall be reported as "Not Detected," or ND.

- d. Dischargers are to instruct laboratories to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Discharger to use analytical data derived from *extrapolation* beyond the lowest point of the calibration curve.
6. **Multiple Sample Data.** When determining compliance with an AMEL , AWEL, or MDEL for priority pollutants and more than one sample result is available, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of “Detected, but Not Quantified” (DNQ) or “Not Detected” (ND). In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:
 - a. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
 - b. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

B. Self Monitoring Reports (SMRs)

1. At any time during the term of this permit, the State or Regional Water Board may notify the Discharger to electronically submit Self-Monitoring Reports (SMRs) using the State Water Board’s California Integrated Water Quality System (CIWQS) Program Web site (<http://www.waterboards.ca.gov/ciwqs/index.html>). Until such notification is given, the Discharger shall submit hard copy SMRs. The CIWQS Web site will provide additional directions for SMR submittal in the event there will be service interruption for electronic submittal.
2. Monitoring results shall be submitted to the Regional Water Board by the **first day** of the second month following sample collection. Quarterly and annual monitoring results shall be submitted by the **first day of the second month following each calendar quarter, semi-annual period, and year**, respectively.
3. In reporting the monitoring data, the Discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the discharge complies with waste discharge requirements. The highest daily maximum for the month, monthly and weekly averages, and medians, and removal efficiencies (%) for BOD and Total Suspended Solids, shall be determined and recorded as needed to demonstrate compliance.
4. With the exception of flow, all constituents monitored on a continuous basis (metered), shall be reported as daily maximums, daily minimums, and daily

averages; flow shall be reported as the total volume discharged per day for each day of discharge.

5. If the Discharger monitors any pollutant at the locations designated herein more frequently than is required by this Order, the results of such monitoring shall be included in the calculation and reporting of the values required in the discharge monitoring report form. Such increased frequency shall be indicated on the discharge monitoring report form.
6. A letter transmitting the self-monitoring reports shall accompany each report. Such a letter shall include a discussion of requirement violations found during the reporting period, and actions taken or planned for correcting noted violations, such as operation or facility modifications. If the Discharger has previously submitted a report describing corrective actions and/or a time schedule for implementing the corrective actions, reference to the previous correspondence will be satisfactory. The transmittal letter shall contain the penalty of perjury statement by the Discharger, or the Discharger's authorized agent, as described in the Standard Provisions.
7. SMRs must be submitted to the Regional Water Board, signed and certified as required by the Standard Provisions (Attachment D), to the address listed below:

Regional Water Quality Control Board
Central Valley Region
415 Knollcrest Drive, Suite 100
Redding, CA 96002

8. Monitoring periods and reporting for all required monitoring shall be completed according to the following schedule:

Table E-5. Monitoring Periods and Reporting Schedule

Sampling Frequency	Monitoring Period Begins On...	Monitoring Period	SMR Due Date
Continuous	Day after permit effective date	All	First day of second calendar month following month of sampling
Weekly	Sunday following permit effective date or on permit effective date if on a Sunday	Sunday through Saturday	First day of second calendar month following month of sampling
Monthly	First day of calendar month following permit effective date or on permit effective date if that date is first day of the month	1st day of calendar month through last day of calendar month	First day of second calendar month following month of sampling
Quarterly	Closest of January 1, April 1, July 1, or October 1 following (or on) permit effective date	January 1 through March 31 April 1 through June 30 July 1 through September 30 October 1 through December 31	May 1 August 1 November 1 February 1

Annually	January 1 following (or on) permit effective date	January 1 through December 31	February 1
1 / 5 years	Three years after effective date of the permit	During fourth year of permit	Submit with monthly SMR.

C. Discharge Monitoring Reports (DMRs) – Not Applicable

D. Other Reports

1. **Monthly Drug and Chemical Use Report.** The information listed below shall be submitted for all aquaculture drugs or chemicals used at the Facility. This information shall be reported at monthly intervals and submitted with the monthly self-monitoring reports using the drug and chemical usage report table found in Attachment H of this Order. At such time as the Discharger is required to begin submitting self-monitoring reports electronically, it shall continue to submit paper copies of the monthly drug and chemical use reports to the Regional Water Board.
 - a. The name(s) and active ingredient(s) of the drug or chemical.
 - b. The date(s) of application.
 - c. The purpose(s) for the application.
 - d. The method of application (e.g., immersion bath, administered in feed), duration of treatment, whether the treatment was static or flush (for drugs or chemicals applied directly to water), amount in gallons or pounds used, treatment concentration(s), and the flow in cubic feet per second (cfs) in the treatment units.
 - e. The total flow through the facility in cubic feet per second (cfs) to the receiving water after mixing with the treated water.
 - f. For drugs and chemicals applied directly to water (i.e., immersion bath, flush treatment) and for which effluent monitoring is not otherwise required, the estimated concentration in the effluent at the point of discharge.

The method of disposal for drugs or chemicals used but not discharged in the effluent.

2. **Progress Reports.** As specified in the compliance time schedules required in Special Provisions VI, progress reports shall be submitted in accordance with the following reporting requirements. At a minimum, the progress reports shall include a discussion of the status of final compliance, whether the Discharger is on schedule to meet the final compliance date, and the remaining tasks to meet the final compliance date.

Table E-6. Reporting Requirements for Special Provisions Progress Reports

Special Provision	Reporting Requirements
Salinity Evaluation and Minimization Plan	1 December , annually, after approval of plan

ATTACHMENT F – FACT SHEET

Table of Contents

Attachment F – Fact Sheet	F-1
I. Permit Information	F-1
II. Facility Description	F-1
A. Description of Wastewater, Hazardous Materials and Biosolids Treatment or Controls	F-1
B. Discharge Points and Receiving Waters	F-1
C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data	F-1
D. Compliance Summary	F-1
E. Planned Changes – Not Applicable	F-1
III. Applicable Plans, Policies, and Regulations	F-1
A. Legal Authority	F-1
B. California Environmental Quality Act (CEQA)	F-1
C. State and Federal Regulations, Policies, and Plans	F-1
D. Impaired Water Bodies on CWA 303(d) List	F-1
IV. Rationale For Effluent Limitations and Discharge Specifications	F-1
A. Discharge Prohibitions	F-1
B. Technology-Based Effluent Limitations	F-1
1. Scope and Authority	F-1
2. Applicable Technology-Based Effluent Limitations	F-1
3. Final Technology-Based Effluent Limitations	F-1
C. Water Quality-Based Effluent Limitations (WQBELs)	F-1
1. Scope and Authority	F-1
2. Applicable Beneficial Uses and Water Quality Criteria and Objectives	F-1
3. Determining the Need for WQBELs	F-1
4. WQBEL Calculations	F-1
5. Whole Effluent Toxicity (WET) – Not Applicable	F-1
D. Final Effluent Limitations	F-1
1. Mass-based Effluent Limitations	F-1
2. Satisfaction of Anti-Backsliding Requirements.	F-1
3. Satisfaction of Antidegradation Policy	F-1
E. Interim Effluent Limitations – Copper	F-1
F. Land Discharge Specifications – Not Applicable	F-1
G. Reclamation Specifications – Not Applicable	F-1
V. Rationale for Receiving Water Limitations	F-1
A. Surface Water	F-1
B. Groundwater	F-1
VI. Rationale for Monitoring and Reporting Requirements	F-1
A. Influent Monitoring	F-1
B. Effluent Monitoring	F-1
C. Whole Effluent Toxicity Testing Requirements – Not Applicable	F-1
D. Receiving Water Monitoring	F-1
1. Surface Water	F-1
2. Groundwater – Not Applicable	F-1

E. Other Monitoring Requirements	F-1
VII. Rationale for Provisions	F-1
A. Standard Provisions	F-1
B. Special Provisions	F-1
1. Reopener Provisions	F-1
2. Special Studies and Additional Monitoring Requirements	F-1
3. Best Management Practices and Pollution Prevention	F-1
4. Construction, Operation, and Maintenance Specifications	F-1
5. Special Provisions for Municipal Facilities (POTWs Only) – Not Applicable	F-1
6. Other Special Provisions – Not Applicable	F-1
7. Compliance Schedules – Not Applicable	F-1
VIII. Public Participation	F-1
A. Notification of Interested Parties	F-1
B. Written Comments	F-1
C. Public Hearing	F-1
D. Waste Discharge Requirements Petitions	F-1
E. Information and Copying	F-1
F. Register of Interested Persons	F-1
G. Additional Information	F-1

List of Tables

Table F-1. Facility Information	F-1
Table F-2. Historic Effluent Limitations and Monitoring Data	F-1
Table F-3. Salinity Water Quality Criteria/Objectives	F-1
Table F-4. WQBEL Calculations for Copper	F-1
Table F-5. Summary of Water Quality-based Effluent Limitations	F-1
Table F-6. Summary of Final Effluent Limitations	F-1

ATTACHMENT F – FACT SHEET

As described in section II of this Order, this Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order.

This Order has been prepared under a standardized format to accommodate a broad range of discharge requirements for Dischargers in California. Only those sections or subsections of this Order that are specifically identified as “not applicable” have been determined not to apply to this Discharger. Sections or subsections of this Order not specifically identified as “not applicable” are fully applicable to this Discharger.

I. PERMIT INFORMATION

The following table summarizes administrative information related to the facility.

Table F-1. Facility Information

WDID	5A470803001
Discharger	State of California Department of Fish and Game
Name of Facility	Mount Shasta Fish Hatchery, Mount Shasta
Facility Address	3 North Old Stage Road
	Mount Shasta, California 96067
	Siskiyou
Facility Contact, Title and Phone	James Adams, Fish Hatchery Manager II, 530-926-2215
Authorized Person to Sign and Submit Reports	Linda Radford, Senior Fish Hatchery Manager, 530-225-2369
Mailing Address	Same
Billing Address	601 Locust Street, Redding, California 96001
Type of Facility	Fish Hatchery, SIC Code 0921
Major or Minor Facility	Minor
Threat to Water Quality	2
Complexity	B
Pretreatment Program	N
Reclamation Requirements	Not applicable
Facility Permitted Flow	13.8 mgd
Facility Design Flow	13.8 mgd
Watershed	Sacramento River Basin
Receiving Water	Wagon and Cold Creeks, tributary to Lake Siskiyou, Groundwater
Receiving Water Type	Inland surface water

- A. The State of California Department of Fish and Game is the owner and operator of the Mount Shasta Fish Hatchery, a fish hatchery. The facility is located at 3 North Old Stage Road, Mount Shasta, Siskiyou County. The California Department of Fish and Game is hereinafter referred to as Discharger.

For the purposes of this Order, references to the “discharger” or “permittee” in applicable federal and state laws, regulations, plans, or policy are held to be equivalent to references to the Discharger herein.

- B.** The Mount Shasta Fish Hatchery (Facility) discharges wastewater to ground waters of the Sacramento River basin and to the surface waters of the Cold, Wagon and Big Springs Creeks, waters of the United States, and is currently regulated by Order R5-2004-0116 which was adopted on 10 September 2004 and expires on 1 September 2009.
- C.** The Discharger filed a report of waste discharge and submitted an application for renewal of its Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit on 14 May 2008. The application was deemed complete on 17 June 2008. Regional Water Board staff conducted a site visit on 29 July 2008 to observe operations and collect additional data to develop permit limitations and conditions.

II. FACILITY DESCRIPTION

The California Department of Fish and Game owns and operates the Facility located in Mt. Shasta City, Section 17, T40N, R4W, MDB&M. The Facility lies within the Box Canyon Hydrologic Subarea No. 525.22. Initially constructed in 1888 and modernized in 1975, the fish rearing facilities consist of two egg incubation buildings (Buildings B and E), ten ponds, two earthen and four concrete raceways, and two hundred and sixty troughs. Additional structures include two spawning houses, a meat house, shop/garage, seven private residences, a museum and public rest rooms. The Discharger utilizes water from Big Springs Creek and discharges fish hatchery wastewater to Cold Creek and Wagon Creek. Cold Creek and Wagon Creek are tributaries to Lake Siskiyou, which was formed by a dam on the Sacramento River.

Brown, Rainbow and Eagle Lake trout eggs are harvested from November through March. Approximately 6.3 million eggs are shipped to other facilities and 1.75 million eggs are incubated and hatched at the Facility for future production and brood stock use.

The water supply for the Facility comes from Big Springs Creek. The water supply enters a settling pond for pretreatment prior to hatchery use. The Discharger reports that upstream activities create sediment and turbid conditions that impact the water supply to the Facility requiring the pretreatment. The Discharger currently discharges an average of 11.64 mgd of fish hatchery flow-through wastewater with a design maximum of 13.8 mgd. An average of 10.67 mgd of flow-through hatchery wastewater from Building B, the earthen and concrete raceways, and the spawning houses enters one of two settling ponds prior to discharging to Cold Creek (EFF-001). The wastewater flows through private property with grazing, private impoundments, and other agriculture uses before entering Cold Creek approximately one-half mile downstream. Approximately 0.97 mgd of wastewater from Building E and a rearing pond (Pond X) enters a single settling pond (Pond 38) prior to Discharge to Wagon Creek (EFF-002). The Discharge flows across private agricultural property prior to discharging to a private

impoundment called Brown's lake.

The Facility is comprised of the following four rearing areas: Hatchery B, Hatchery E, Nursery Tanks, and Raceways.

Hatchery B contains 120 California standard troughs and two deep tanks for rearing eggs and fish. Eggs are incubated in vertical flow hatching jars that reduce the need for drug use over tray hatching systems. Fish are reared in Hatchery B from January to August. Hatchery B is shut down (no water flow) when the fish are removed.

Hatchery E contains 132 California standard troughs and two deep tanks for rearing eggs and fish. It also contains 13 vertical stack incubators for egg production. Formalin (approximately five gallons per week) is used in the incubator stacks for fungus abatement. The water discharge is redirected to percolation ponds when formalin treatments are in progress in January and February. Hatching jars are also used in Hatchery E as space permits to reduce the use of drugs. When Hatchery E is empty, water is piped under the hatchery building to maintain a flow of water used for irrigation by adjacent landowners south of the hatchery. When the water does not pass through Hatchery E, it does not flow through Pond 38 but is discharged at EFF-002.

Eight 60' x 10' nursery tanks are used to hold fingerlings and future brood stock. Water is piped from the distribution box to the tanks. Wastewater from the nursery tanks is discharged and reused in the raceways. When the tanks are empty the tanks are used to control water flow fluctuations in the intake distribution box and intake settling pond.

Six raceways (two earthen and four concrete) are utilized for production of catchable, sub-catchable, and brood stock trout. An average total flow of 6-7 cfs flows through the earthen ponds then is reused in the four concrete raceways and is discharged at EFF-001 after flowing through two parallel settling ponds. Typical hatchery thinning and grading practices are used to maintain healthy fish to reduce chemical use.

Chemicals and drugs are used at the Facility to treat fish directly for parasites, fungi, and bacteria as well as to clean rearing raceways in order to reduce the spread of disease among the confined fish population. Chemicals currently used at the Facility include sodium chloride (salt), PVP Iodine (Argentyne[®]), Formalin (as a 37% formaldehyde, methanol-free solution), hydrogen peroxide, and copper sulfate. Tricaine methanesulfonate (MS-222) is used to anesthetize fish. Oxytetracycline (Terramycin[®]) is used during periods of disease outbreak.

Chemicals and drugs that are not currently used at the Facility, but may possibly be used in the future include Chloramine-T as a possible replacement for copper and formalin. Acetic acid may be used in conjunction with copper treatments or as a flush treatment to control external parasites. Antibiotics such as Amoxicillin trihydrate, Romet-30[®] (Sulfadimethoxine-ormetoprim), erythromycin, and Florfenicol may be used during periods of disease outbreak. Penicillin G, an antibiotic, may be used as an immersive bath treatment during periods of disease outbreak at the Facility. Carbon dioxide and Aqual-S[®] may be used to anesthetize fish. Vaccines, such as enteric redmouth bacterin

and *Vibrio* vaccine may also be used.

A. Description of Wastewater, Hazardous Materials and Biosolids Treatment or Controls

Based on the Report of Waste Discharge dated 8 May 2008, the Facility has an annual production of 100,000 pounds (lbs) of rainbow trout, 6000 lbs of brown trout, and 4,000 lbs of brook trout. Annual Reports for the last two years report a total production of 128,000 lbs of fish produced and 210,000 lbs of food used in 2006, and 103,000 lbs of fish produced and 168,000 lbs of food used in 2007.

When fish are first brought out of the hatchery building and ponded in a raceway, they are fed by hand to assure that food is utilized and not wasted. Hand feeding is done with a bucket and scoop. The feed is broadcast over the pond surface to assure that the feed is applied evenly while the fish feeder observes how much of the feed is consumed.

Larger fish, ranging in size from 2 to 20 fish per pound, are fed two to five times per day by a mechanical feeder mounted on a pickup truck. Feed is mechanically weighed into a hopper and then a blower fans the feed over the pond surface for the fish to consume as the fish feeder drives the vehicle along the raceways. Feed amounts and the frequencies are calculated for the feed person and the feed person uses a feed chart.

Fish are routinely taken off feed prior to handling them (i.e. cleaning of ponds, moving them to another pond or loading them into trucks for release), to minimize mortality.

Slotted aluminum screens are used to separate different fish "lots" (different age groups of fish) and to keep the fish contained within the raceway series. The screens are cleaned of any debris and mortalities several times daily. Ponds are cleaned on an as needed basis, as fish crowding and loading can disturb settled biosolids in the raceways. The pond cleaning frequency is set to minimize waste discharge.

Materials or debris from the pond screens, roadways or grounds are disposed of in trash cans or collected in the debris burn pile. Hatchery personnel ignite the burn pile on permissive burn days. The collected trash is hauled to a Siskiyou County transfer station at least once a week or as needed.

Any unused aquiculture drugs and chemicals are disposed of in accordance to label guidelines and Material Safety Data Sheet guidelines. The Facility generally does not have unused drugs or chemicals to dispose of since their use would be anticipated and the amount is calculated for a specific need.

Fish mortalities are collected daily from the ponds, frozen and picked up by North State Rendering Company on an as needed basis.

Water supply intake diversions and raceway pond effluent discharge pipes are inspected and cleaned daily to ensure prevention of overflow and possible water bypassing the facility. These procedures are included in the fish feeding and standby

personnel duties. Hatchery employees are assigned standby duties on a rotating basis during inclement weather months (October through April) and as needed throughout the remainder of the year to prevent any screens from plugging or water overflowing from water intakes.

The Facility has four chemical storage areas for 1) paints and gas, 2) therapeutics and chemicals relating to fish health, 3) oil and grease, and 4) cleaning supplies.

Paints and gas are contained in an approved metal flammable liquid storage area. Paints are contained in their original containers and are properly labeled. Fuels are contained in approved canisters specifically manufactured for gasoline. Any spillage would be contained within the confines of the metal storage unit.

Therapeutics and chemicals related to fish health are kept in storage area within a building commonly referred to as the meat room. Chemicals are stored in their original containers and have labeling consistent with proper handling practices. The storage area floor is concrete and any spills would be confined to that small area.

Oil and grease are stored within a closed area in the garage. Oil is stored in one quart containers and grease is contained in their one pound containers purchased from the manufacturers. The garage floor is concrete and any spillage would be confined within a small area. Other automotive chemicals may be stored in that area as well. Waste oil is not stored and is immediately returned to an approved center for recycling.

Domestic sewage from the hatchery buildings and private residences is discharged to septic tank/leachfield systems. Hatchery Building B and the shop have separate septic tanks with a common leachfield. The museum and an adjacent residence share a common septic tank/leachfield. The private residence adjacent to Pond X has a separate septic tank/leachfield. The remaining five residences and meat house have three septic tanks with service to a common leachfield.

B. Discharge Points and Receiving Waters

1. The Facility is located in Section 17, T40N, R4W, MDB&M as shown in Attachment B (Figure B-1), a part of this Order.
2. Wastewater from Building B, the earthen and concrete raceways, and the spawning houses enters one of two settling ponds prior to discharging to Cold Creek (EFF-001). The wastewater flows through private property with grazing, private impoundments, and other agriculture uses before entering Cold Creek approximately one-half mile downstream. Wastewater from Building E and a rearing pond (Pond X) enters a single settling pond (Pond 38) prior to Discharge to Wagon Creek (EFF-002). The Discharge flows across private agricultural property prior to discharging to a private impoundment called Brown's lake. Cold Creek, Wagon Creek and Brown's Lake are waters of the United States. During times of formaldehyde usage in Building E, formaldehyde-containing water is discharged to the Formaldehyde Percolation Pond (EFF-003).

C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data

Effluent limitations/Discharge Specifications contained in the existing Order for discharges from Discharge Points 001 and 002 and representative monitoring data from the term of the previous Order are as follows:

Table F-2. Historic Effluent Limitations and Monitoring Data

Parameter	Units	Effluent Limitation			Monitoring Data (From June 2004 – To June 2008)		
		Average Monthly	Average Weekly	Maximum Daily	Highest Average Monthly Discharge	Highest Average Weekly Discharge	Highest Daily Discharge
Flow	mgd	--	--	13.8	--	--	14.0
Total Suspended Solids (net)	mg/L	5	--	15	--	--	20
Settleable Solids	ml/L	0.1	--	0.2		--	0.1
Formaldehyde	mg/L	0.65	--	1.3	--	--	ND
pH	s.u.	--	--	8.5	--	--	8.2
pH	s.u.	--	--	6.5 (min)			6.7

D. Compliance Summary

1. The Discharger submitted an incomplete self-monitoring report for the March 2007 reporting period. Some required samples were not collected and analyzed due to staff turnover in March 2007. Total Suspended Solids exceedance occurred during a period of high influent water concentrations (420 mg/l). All other net TSS results were below the effluent limitation.

E. Planned Changes – Not Applicable

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in this Order are based on the applicable plans, policies, and regulations identified in section II of the Limitations and Discharge Requirements (Findings). This section provides supplemental information, where appropriate, for the plans, policies, and regulations relevant to the discharge.

A. Legal Authority

See Limitations and Discharge Requirements - Findings, Section II.C.

B. California Environmental Quality Act (CEQA)

See Limitations and Discharge Requirements - Findings, Section II.E.

C. State and Federal Regulations, Policies, and Plans

1. **Water Quality Control Plans.** The Regional Water Board adopted a *Water Quality Control Plan, Fourth Edition (Revised October 2007), for the Sacramento and San*

Joaquin River Basins (hereinafter Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, the Basin Plan implements State Water Resources Control Board (State Water Board) Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. The Basin Plan does not specifically identify beneficial uses for Cold Creek and Wagon Creek, but does identify present and potential uses for Lake Siskiyou, to which Wagon Creek and Cold Creek are tributary.

The beneficial uses of Lake Siskiyou are water contact recreation (REC-1), non-contact water recreation (REC-2), warm freshwater aquatic habitat (WARM), cold freshwater aquatic habitat (COLD), wildlife habitat (WILD), potentially cold spawning habitat (SPWN – COLD) and, pursuant to Resolution No. 88-63, municipal and domestic supply (MUN). The Basin Plan on page II-1.00 states: “Protection and enhancement of existing and potential beneficial uses are primary goals of water quality planning...” and with respect to disposal of wastewaters states that “disposal of wastewaters is [not] a prohibited use of waters of the State’ it is merely a use which cannot be satisfied to the detriment of beneficial uses.” In reviewing whether certain existing and/or potential uses of Lake Siskiyou apply to Wagon and Cold Creeks, the Regional Board has considered that the quality of water in Wagon and Cold Creeks affects the water quality downstream in Lake Siskiyou. Thus, the Regional Board finds that the beneficial uses identified in the Basin Plan for Lake Siskiyou are applicable to Wagon and Cold Creeks.

The beneficial uses of the underlying groundwater are municipal and domestic supply (MUN), industrial service supply (IND), industrial process supply (PRO) and agricultural supply irrigation (AGR).

The Basin Plan on page II-1.00 states: “*Protection and enhancement of existing and potential beneficial uses are primary goals of water quality planning...*” and with respect to disposal of wastewaters states that “*...disposal of wastewaters is [not] a prohibited use of waters of the State; it is merely a use which cannot be satisfied to the detriment of beneficial uses.*”

The federal CWA section 101(a)(2), states: “*it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife, and for recreation in and on the water be achieved by July 1, 1983.*” Federal Regulations, developed to implement the requirements of the CWA, create a rebuttable presumption that all waters be designated as fishable and swimmable. Federal Regulations, 40 CFR sections 131.2 and 131.10, require that all waters of the State regulated to protect the beneficial uses of public water supply, protection and propagation of fish, shell fish and wildlife, recreation in and on the water, agricultural, industrial and other purposes including navigation. Section 131.3(e), 40 CFR, defines existing beneficial uses as those uses actually attained after November 28, 1975, whether or not they are included in the water quality standards. Federal Regulation, 40 CFR section

131.10 requires that uses be obtained by implementing effluent limitations, requires that all downstream uses be protected and states that in no case shall a state adopt waste transport or waste assimilation as a beneficial use for any waters of the United States.

This Order contains Effluent Limitations necessary to protect the beneficial uses of the receiving water. The Regional Water Board has considered the factors listed in CWC section 13241 in establishing these requirements, as discussed in more detail in the Fact Sheet, Attachment F, subsection IV.

2. **Antidegradation Policy.** Section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies.

This Order does not allow for an increase in flow or mass of pollutants to the receiving water over the previous permit. Therefore, a complete antidegradation analysis is not necessary. The Order requires compliance with applicable federal technology-based standards and with water quality-based effluent limits (WQBELs) where the discharge could have the reasonable potential to cause or contribute to an exceedance of water quality standards.

This Order allows for the use of aquaculture drugs and chemicals including oxytetracycline, penicillin G, florfenicol, amoxicillin, trihydrate, erythromycin, Romet-30, MS-222, carbon dioxide, sodium bicarbonate, Aqui-S, PVP, iodine, hydrogen peroxide, potassium permanganate, acetic acid, and chloramine-T. Staff has reviewed NPDES permits for aquaculture facilities in the states of Oregon, Idaho, and Washington, in addition to California and other states. None of these states have promulgated water quality standards for these types of chemicals. While research is currently being conducted on the possible aquatic and human health impacts of these types of chemicals, no criteria exist to establish defensible numerical WQBELs. Where it is infeasible to establish numerical effluent limitations, Title 40 of the Code of Federal Regulations expressly allows the use of non-numerical control mechanisms. In the cases of previously adopted permits in California, Oregon, Idaho, and Washington, the control and monitoring of these disease control chemicals is maintained through Best Management Practices (BMPs) and stringent monitoring requirements. This Order requires BMPs to ensure the proper storage, handling, and disposal of drugs and chemicals as contained in 40 CFR Part 451, Effluent Limitations Guidelines and New Source Performance Standards (ELG) for the Concentrated Aquatic Animal Production Point Source Category. In addition, monitoring of these chemicals is required during their use to determine if they are present in the effluent. The requirements in this permit for the

control and monitoring of disease control drugs comply with the regulations and are fully supportive of the Clean Water Act.

The permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution 68-16. Compliance with these requirements will result in the use of best practicable treatment or control of the discharge. The impact on existing water quality will be insignificant.

3. **Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at title 40, Code of Federal Regulations section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit must be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed. Compliance with the Anti-Backsliding requirements is discussed in Section IV.D.2.
4. **Endangered Species Act.** This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the state. The Discharger is responsible for meeting all requirements of the applicable Endangered Species Act.

D. Impaired Water Bodies on CWA 303(d) List

1. Under Section 303(d) of the 1972 Clean Water Act, states, territories and authorized tribes are required to develop lists of water quality limited segments. The waters on these lists do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology. On July 25, 2003 USEPA gave final approval to California's 2002 Section 303(d) List of Water Quality Limited Segments. The Basin Plan references this list of Water Quality Limited Segments (WQLSs), which are defined as "*...those sections of lakes, streams, rivers or other fresh water bodies where water quality does not meet (or is not expected to meet) water quality standards even after the application of appropriate limitations for point sources (40 CFR 130, et seq.).*" The Basin Plan also states, "*Additional treatment beyond minimum federal standards will be imposed on dischargers to [WQLSs]. Dischargers will be assigned or allocated a maximum allowable load of critical pollutants so that water quality objectives can be met in the segment.*" Lake Siskiyou is not a 303(d) listed water.
2. **Total Maximum Daily Loads.** The US EPA requires the Regional Water Board to develop total maximum daily loads (TMDLs) for each 303(d) listed pollutant and water body combination. The receiving waters for this facility are not 303(d) listed and no TMDLs have been set for the receiving waters for this facility.

E. Regulation of Aquaculture Drugs and Chemicals

CAAP facilities produce fish and other aquatic animals in greater numbers than natural stream conditions would allow; therefore, system management is important to ensure that fish do not become overly stressed, making them more susceptible to disease outbreaks. The periodic use of various aquaculture drugs and chemicals is needed to ensure the health and productivity of cultured aquatic stocks and to maintain production efficiency.

CAAP facilities may legally obtain and use aquaculture drugs in one of several ways. Some aquaculture drugs and chemicals used at CAAP facilities in the Region are approved by the U.S. Food and Drug Administration (FDA) for certain aquaculture uses on certain aquatic species. Others have an exemption from this approval process when used under certain specified conditions.

Still others are not approved for use in aquaculture, but are considered to be of “low regulatory priority” by FDA (hereafter “LRP drug”). FDA is unlikely to take regulatory action related to the use of a LRP drug if an appropriate grade of the chemical or drug is used, good management practices are followed, and local environmental requirements are met (including NPDES permit requirements). Finally, some drugs and chemicals may be used for purposes, or in a manner not listed on their label (i.e., “extra-label” use) under the direction of licensed veterinarians for the treatment of specific fish diseases diagnosed by fish pathologists. It is assumed that veterinarian-prescribed aquaculture drugs are used only for short periods of duration during acute disease outbreaks. Each of these methods of obtaining and using aquaculture drugs is discussed in further detail below.

It is the responsibility of those using, prescribing, or recommending the use of these products to know which aquaculture drugs and chemicals may be used in CAAP facilities in the Region under all applicable federal, State, and local regulations and which aquaculture drugs and chemicals may be discharged to waters of the United States and waters of the State in accordance with this permit. A summary of regulatory authorities related to aquaculture drugs and chemicals is outlined below.

Summary of Regulatory Authorities

FDA is responsible for ensuring the safety, wholesomeness, and proper labeling of food products; ensuring the safety and effectiveness of both human and animal drugs; and ensuring compliance with existing laws governing these drugs. The Federal Food, Drug, and Cosmetic Act (FFDCA), the basic food and drug law of the United States, includes provisions for regulating the manufacture, distribution, and the use of, among other things, new animal drugs and animal feed. FDA’s enforcement activities include correction and prevention of violations, removing illegal products or goods from the market, and punishing offenders. Part of this enforcement includes testing domestic and imported aquacultural products for drug and pesticide residues.

FDA's Center for Veterinary Medicine (CVM) regulates the manufacture, distribution, and use of animal drugs. CVM is responsible for ensuring that drugs used in food-producing animals are safe and effective and that food products derived from treated animals are free from potentially harmful residues. CVM approves the use of new animal drugs based on data provided by a sponsor (usually a drug company). To be approved by CVM, an animal drug must be effective for the claim on the label and safe when used as directed for (1) treated animals; (2) persons administering the treatment; (3) the environment, including non-target organisms; and (4) consumers. CVM establishes tolerances and animal withdrawal periods as needed for all drugs approved for use in food-producing animals. CVM has the authority to grant investigational new animal drug (INAD) exemptions so that data can be generated to support the approval of a new animal drug.

There are several options for CAAP facilities to legally obtain and use aquaculture drugs. Aquaculture drugs and chemicals can be divided into four categories as outlined below: approved drugs, investigational drugs, unapproved drugs of low regulatory priority, and extra-label use drugs.

- ***FDA approved new animal drugs***

Approved new animal drugs have been screened by the FDA to determine whether they cause significant adverse public health or environmental impacts when used in accordance with label instructions. Currently, there are six new animal drugs approved by FDA for use in food-producing aquatic species. These six FDA-approved new animal drugs are:

1. Chorionic gonadotropin (Chlorulun®), used for spawning;
2. Oxytetracycline (Terramycin®), an antibiotic;
3. Sulfadimethoxine-ormetoprim (Romet-30®), an antibiotic;
4. Tricaine methanesulfonate (MS-222, Finquel® and Tricaine-S), an anesthetic;
5. Formalin (Formalin-F®, Paracide F® and PARASITE-S®), used as a fungus and parasite treatment;
6. Sulfamerazine, an antibiotic;
7. Florfenicol (Aquaflor ®), an antibiotic; and
8. Hydrogen peroxide, used to control fungal and bacterial infections.

The FDA approves each aquaculture drug in this category for use on specific fish species, for specific disease conditions, for specific dosages, and with specific withdrawal times. Product withdrawal times must be observed to ensure that any product used on aquatic animals at a CAAP facility does not exceed legal tolerance levels in the animal tissue. Observance of the proper withdrawal time helps ensure that products reaching consumers are safe and wholesome.

FDA-approved new animal drugs that are added to aquaculture feed must be specifically approved for use in aquaculture feed. Drugs approved by FDA for use in feed must be found safe and effective. Approved new animal drugs may be mixed in feed for uses and at levels that are specified in FDA medicated-feed regulations only. It is unlawful to add drugs to feed unless the drugs are approved for feed use. For

example, producers may not top-dress feed with water-soluble, over-the-counter antibiotic product. Some medicated feeds, such as Romet-30®, may be manufactured only after the FDA has approved a medicated-feed application (FDA Form 1900) submitted by the feed manufacturer.

- ***FDA Investigational New Animal Drugs (INAD)***

Aquaculture drugs in this category can only be used under an investigational new animal drug or “INAD” exemption. INAD exemptions are granted by FDA CVM to permit the purchase, shipment and use of an unapproved new animal drug for investigational purposes. INAD exemptions are granted by FDA CVM with the expectation that meaningful data will be generated to support the approval of a new animal drug by FDA in the future. Numerous FDA requirements must be met for the establishment and maintenance of aquaculture INADs.

There are two types of INADs: standard and compassionate. Aquaculture INADs, most of which are compassionate, consist of two types: routine and emergency. A compassionate INAD exemption is used in cases in which the aquatic animal’s health is of primary concern. In certain situations, producers can use unapproved drugs for clinical investigations (under a compassionate INAD exemption) subject to FDA approval. In these cases, CAAP facilities are used to conduct closely monitored clinical field trials. FDA reviews test protocols, authorizes specific conditions of use, and closely monitors any drug use under an INAD exemption. An application to renew an INAD exemption is required each year. Data recording and reporting are required under the INAD exemption in order to support the approval of a new animal drug or an extension of approval for new uses of the drug.

- ***FDA Unapproved new animal drugs of low regulatory priority (LRP drugs)***

LRP drugs do not require a new animal drug application (NADA) or INAD exemptions from FDA. Further regulatory action is unlikely to be taken by FDA on LRP drugs as long as an appropriate grade of the drug or chemical is used, good management practices are followed, and local environmental requirements are met (such as NPDES permit requirements contained in this Permit). LRP drugs commonly used at CAAP facilities in the Region include the following:

1. Acetic acid, used as a dip at a concentration of 1,000-2,000 mg/L for 1-10 minutes as a parasiticide for fish.
2. Carbon dioxide gas, used for anesthetic purposes in cold, cool and warm water fish.
3. Povidone iodine (PVP) compounds, used as a fish egg disinfectant at rates of 50 mg/L for 30 minutes during egg hardening and 100 mg/L solution for 10 minutes after water hardening.
4. Sodium bicarbonate (baking soda), used at 142-642 mg/L for 5 minutes as a means of introducing carbon dioxide into the water to anesthetize fish.
5. Sodium chloride (salt), used at 0.5-1% solution for an indefinite period as an osmoregulatory aid for the relief of stress and prevention of shock. Used as 3% solution for 10-30 minutes as a parasiticide.

FDA is unlikely to object at present to the use of these LRP drugs if the following conditions are met:

1. The aquaculture drugs are used for the prescribed indications, including species and life stages where specified.
2. The aquaculture drugs are used at the prescribed dosages (as listed above).
3. The aquaculture drugs are used according to good management practices.
4. The product is of an appropriate grade for use in food animals.
5. An adverse effect on the environment is unlikely.

FDA's enforcement position on the use of these substances should be considered neither an approval nor an affirmation of their safety and effectiveness. Based on information available in the future, FDA may take a different position on their use. In addition, FDA notes that classification of substances as new animal drugs of LRP does not exempt CAAP facilities from complying with all other federal, state and local environmental requirements, including compliance with this Permit.

- ***Extra-label use of an approved new animal drug***

Extra-label drug use is the actual or intended use of an approved new animal drug in a manner that is not in accordance with the approved label directions. This includes, but is not limited to, use on species or for indications not listed on the label. Only a licensed veterinarian may prescribe extra-label drugs under FDA CVM's extra-label drug use policy. CVM's extra-label use drug policy (CVM Compliance Policy Guide 7125.06) states that licensed veterinarians may consider extra-label drug use in treating food-producing animals if the health of the animals is immediately threatened and if further suffering or death would result from failure to treat the affected animals. CVM's extra-label drug use policy does not allow the use of drugs to prevent diseases (prophylactic use), improve growth rates, or enhance reproduction or fertility. Spawning hormones cannot be used under the extra-label policy. In addition, the veterinarian assumes the responsibility for drug safety and efficacy and for potential residues in the aquatic animals.

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

Effluent limitations and toxic and pretreatment effluent standards established pursuant to Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 304 (Information and Guidelines), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act (CWA) and amendments thereto are applicable to the discharge.

The Federal CWA mandates the implementation of effluent limitations that are as stringent as necessary to meet water quality standards established pursuant to state or federal law [33 U.S.C., § 1311(b)(1)(C); 40 CFR, § 122.44(d)(1)]. NPDES permits must incorporate discharge limits necessary to ensure that water quality standards are met. This requirement applies to narrative criteria as well as to criteria specifying maximum amounts of particular pollutants. Pursuant to Federal Regulations, 40 CFR Section 122.44(d)(1)(i), NPDES permits must contain limits that control all pollutants that "*are or may be discharged at a level which will cause, have the reasonable potential to cause,*

or contribute to an excursion above any state water quality standard, including state narrative criteria for water quality.” Federal Regulations, 40 CFR, §122.44(d)(1)(vi), further provide that “[w]here a state has not established a water quality criterion for a specific chemical pollutant that is present in an effluent at a concentration that causes, has the reasonable potential to cause, or contributes to an excursion above a narrative criterion within an applicable State water quality standard, the permitting authority must establish effluent limits.”

The CWA requires point source discharges to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations: 40 CFR §122.44(a) requires that permits include applicable technology-based limitations and standards, and 40 CFR §122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water where numeric water quality objectives have not been established. The Regional Water Board’s Basin Plan, page IV-17.00, contains an implementation policy (“Policy for Application of Water Quality Objectives” that specifies that the Regional Water Board “*will, on a case-by-case basis, adopt numerical limitations in orders which will implement the narrative objectives.*” This Policy complies with 40 CFR §122.44(d)(1). With respect to narrative objectives, the Regional Water Board must establish effluent limitations using one or more of three specified sources, including (1) EPA’s published water quality criteria, (2) a proposed state criterion (*i.e.*, water quality objective) or an explicit state policy interpreting its narrative water quality criteria (*i.e.*, the Regional Water Board’s “Policy for Application of Water Quality Objectives”)(40 CFR 122.44(d)(1)(vi) (A), (B) or (C)), or (3) an indicator parameter. The Basin Plan contains a narrative objective requiring that: “*All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life*” (narrative toxicity objective). The Basin Plan requires the application of the most stringent objective necessary to ensure that surface water and groundwater do not contain chemical constituents, discoloration, toxic substances, radionuclides, or taste and odor producing substances that adversely affect beneficial uses. The Basin Plan states that material and relevant information, including numeric criteria, and recommendations from other agencies and scientific literature will be utilized in evaluating compliance with the narrative toxicity objective. The Basin Plan also limits chemical constituents in concentrations that adversely affect surface water beneficial uses. For waters designated as municipal, the Basin Plan specifies that, at a minimum, waters shall not contain concentrations of constituents that exceed Maximum Contaminant Levels (MCL) of CCR Title 22. The Basin Plan further states that, to protect all beneficial uses, the Regional Water Board may apply limits more stringent than MCLs.

A. Discharge Prohibitions

1. *As stated in section I.G of Attachment D, Standard Provisions, this Order prohibits bypass from any portion of the treatment facility. Federal Regulations, 40 CFR 122.41 (m), define “bypass” as the intentional diversion of waste streams from any portion of*

a treatment facility. This section of the Federal Regulations, 40 CFR 122.41 (m)(4), prohibits bypass unless it is unavoidable to prevent loss of life, personal injury, or severe property damage. In considering the Regional Water Board's prohibition of bypasses, the State Water Board adopted a precedential decision, Order No. WQO 2002-0015, which cites the Federal Regulations, 40 CFR 122.41(m), as allowing bypass only for essential maintenance to assure efficient operation.

B. Technology-Based Effluent Limitations

1. Scope and Authority

The CWA requires that technology-based effluent limitations be established based on several levels of controls:

- Best practicable treatment control technology (BPT) represents the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and non-conventional pollutants.
- Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and non-conventional pollutants.
- Best conventional pollutant control technology (BCT) represents the control from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and oil and grease. The BCT standard is established after considering the "cost reasonableness" of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.
- New source performance standards (NSPS) represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires USEPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BAT, BCT, and NSPS. Section 402(a)(1) of the CWA and section 125.3 of the Code of Federal Regulations authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern. Where BPJ is used, the permit writer must consider specific factors outlined in section 125.3.

A cold-water concentrated aquatic animal production (CAAP) facility is defined in Title 40 of the Code of Federal Regulations (40 CFR 122.24) as a fish hatchery, fish farm, or other facility that contains, grows, or holds cold-water fish species or other cold-water aquatic animals in ponds, raceways, or other similar structures. In addition, the facility must discharge at least 30 calendar days per year, produce at

least 20,000 pounds (9,090 kilograms) harvest weight of aquatic animals per year, and feed at least 5,000 pounds (2,272 kilograms) of food during the calendar month of maximum feeding. A facility that does not meet the above criteria may also be designated a cold-water CAAP facility upon a determination that the facility is a significant contributor of pollution to waters of the United States [40 CFR 122.24(c)]. Cold-water, recirculating CAAP facilities are designed to minimize water requirements, which leads to small-volume, concentrated waste streams as well as makeup water overflow. Waste streams from recirculating systems are typically a small but continuous flowing effluent. Flows from CAAP facilities ultimately are discharged to waters of the United States and of the State. 40 CFR 122.24 specifies that CAAP facilities are point sources subject to the National Pollutant Discharge Elimination System (NPDES) program. The Discharger's facility meets the NPDES definition of a cold-water, recirculating CAAP facility.

The operation of CAAP facilities may introduce a variety of pollutants into receiving waters. USEPA identifies three classes of pollutants: (1) conventional pollutants (i.e., total suspended solids (TSS), oil and grease (O&G), biochemical oxygen demand (BOD), fecal coliform, and pH); (2) toxic pollutants (e.g., metals such as copper, lead, nickel, and zinc and other toxic pollutants; and (3) non-conventional pollutants (e.g., ammonia-N, Formalin, and phosphorus). Some of the most significant pollutants discharged from CAAP facilities are solids from uneaten feed and fish feces that settle to the bottom of the raceways. Both of these types of solids are primarily composed of organic matter including BOD, organic nitrogen, and organic phosphorus.

On August 23, 2004 USEPA published Effluent Limitation Guidelines and New Source Performance Standards for the Concentrated Aquatic Animal Production Point Source Category (hereafter "ELG") [40 CFR 451]. These ELGs became effective on September 22, 2004. The ELG regulation establishes national technology-based effluent discharge requirements for flow-through and recirculation systems and for net pens based on BPT, BCT, BAT and NSPS. In its proposed rule, published on September 12, 2002, USEPA proposed to establish numeric limitations for a single constituent – total suspended solids (TSS) – while controlling the discharge of other constituents through narrative requirements. In the final rule, however, USEPA determined that, for a nationally applicable regulation, it would be more appropriate to promulgate qualitative TSS limitations in the form of solids control best management practices (BMP) requirements. Furthermore, the final ELG does not include numeric effluent limitations for non-conventional and toxic constituents, such as aquaculture drugs and chemicals, but also relies on narrative limitations to address these constituents. The final ELG applies to CAAP facilities that produce, hold or contain 100,000 pounds or more of aquatic animals per year (any 12 month period). The Discharger's facility is therefore subject to ELG requirements.

2. Applicable Technology-Based Effluent Limitations

- a. **Total Suspended Solids (TSS).** Technology-based requirements in this Order are based on a combination of application of the ELG for BMP requirements and

case-by-case numeric limitations developed using best professional judgment (BPJ) and carried over from the previous Order R5-2004-0116. The effluent limitations for TSS are 5.0 mg/L as an average monthly limitation and 15 mg/L as a maximum daily limitation. Section 402(o) of the CWA prohibits backsliding of effluent limitations that are based on BPJ to reflect a subsequently promulgated ELG which is less stringent. Removal of the numeric limitations for TSS would constitute backsliding under CWA Section 402(o). These limitations are established as a means of controlling the discharge of solids from algae, silt, fish feces and uneaten feed. The Regional Board finds the use of TSS effluent limitations is an appropriate measure of performance and a correct interpretation of these limitations, and does not constitute backsliding (40 CFR 122.44(l)(2)(i)(B)(2)). Results of monitoring indicate the Discharger is capable of meeting these limitations.

- b. **Flow.** This Order contains a maximum daily effluent discharge flow limitation of 13.8 mgd.

3. Final Technology-Based Effluent Limitations

Summary of Technology-based Effluent Limitations Discharge Point 001 and Discharge Point 002

Parameter	Units	Effluent Limitations			
		Average Monthly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Flow	mgd	--	13.8	--	--
Total Suspended Solids	mg/L	5	15	--	--
	lbs/day ¹	580	1,730	--	--

¹ Based on a design flow of 13.8 mgd.

The Discharger shall minimize the discharge of Total Suspended Solids to the BPT through implementing best management practices established in Special Provision VI.C.3 of this Order.

C. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

As specified in section 122.44(d)(1)(i), permits are required to include WQBELs for pollutants (including toxicity) that are or may be discharged at levels that cause, have reasonable potential to cause, or contribute to an in-stream excursion above any state water quality standard. The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plan, and achieve applicable water quality objectives and criteria that are contained in other state plans and policies, or any applicable water quality criteria contained in the CTR and NTR.

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

- a. **Receiving Water.** Receiving waters for the facility include the Cold and Wagon Creeks and the groundwaters of the Sacramento River Basin.
- b. **Hardness.** While no effluent limitation for hardness is necessary in this Order, hardness is critical to the assessment of the need for, and the development of, effluent limitations for certain metals. The *California Toxics Rule*, at (c)(4), states the following:

“Application of metals criteria. (i) For purposes of calculating freshwater aquatic life criteria for metals from the equations in paragraph (b)(2) of this section, for waters with a hardness of 400 mg/L or less as calcium carbonate, the actual ambient hardness of the surface water shall be used in those equations.”
[emphasis added]

The State Water Board, in footnote 19 to Water Quality Order No. 2004-0013, stated: *“We note that...the Regional Water Board...applied a variable hardness value whereby effluent limitations will vary depending on the actual, current hardness values in the receiving water. We recommend that the Regional Water Board establish either fixed or seasonal effluent limitations for metals, as provided in the SIP, rather than ‘floating’ effluent limitations.”*

Effluent limitations for the discharge must be set to protect the beneficial uses of the receiving water for all discharge conditions. In the absence of the option of including condition-dependent, “floating” effluent limitations that are reflective of actual conditions at the time of discharge, effluent limitations must be set using a reasonable worst-case condition in order to protect beneficial uses for all discharge conditions. For purposes of establishing water quality-based effluent limitations, the lowest reported (March 2003, D-002) effluent hardness value of 25.5 mg/L as CaCO₃ was used for hardness-dependent metals.

- c. **Assimilative Capacity/Mixing Zone.** As the levels of copper in the receiving waters are unknown and the dilution ratios are unknown, there is no known

assimilative capacity for copper in the receiving waters and no mixing zone is allowed.

3. Determining the Need for WQBELs

- a. CWA section 301 (b)(1) requires NPDES permits to include effluent limitations that achieve technology-based standards and any more stringent limitations necessary to meet water quality standards. Water quality standards include Regional Water Board Basin Plan beneficial uses and narrative and numeric water quality objectives, State Water Board-adopted standards, and federal standards, including the CTR and NTR. The Basin Plan includes numeric site-specific water quality objectives and narrative objectives for toxicity, chemical constituents, and tastes and odors. The narrative toxicity objective states: *"All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life."* (Basin Plan at III-8.00.) With regards to the narrative chemical constituents objective, the Basin Plan states that waters shall not contain chemical constituents in concentrations that adversely affect beneficial uses. At minimum, *"...water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCLs)"* in Title 22 of CCR. The narrative tastes and odors objective states: *"Water shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to domestic or municipal water supplies or to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses."*
- b. Federal regulations require effluent limitations for all pollutants that are or may be discharged at a level that will cause or have the reasonable potential to cause, or contribute to an in-stream excursion above a narrative or numerical water quality standard. Based on information submitted as part of the application, in studies, and as directed by monitoring and reporting programs, the Regional Water Board finds that the discharge has a reasonable potential to cause or contribute to an in-stream excursion above a water quality standard for copper. Water quality-based effluent limitations (WQBELs) for these constituents are included in this Order. A summary of the reasonable potential analysis (RPA) is provided in Table F-7, and a detailed discussion of the RPA for each constituent is provided below.
- c. The Regional Water Board conducted the RPA in accordance with Section 1.3 of the SIP. Although the SIP applies directly to the control of CTR priority pollutants, the State Water Board has held that the Regional Water Board may use the SIP as guidance for water quality-based toxics control.¹ The SIP states in the introduction *"The goal of this Policy is to establish a standardized approach for permitting discharges of toxic pollutants to non-ocean surface waters in a manner that promotes statewide consistency."* Therefore, in this Order the RPA

¹ See, Order WQO 2001-16 (Napa) and Order WQO 2004-0013 (Yuba City)

procedures from the SIP were used to evaluate reasonable potential for both CTR and non-CTR constituents.

- d. WQBELs were calculated in accordance with section 1.4 of the SIP, as described in Attachment F, Section IV.C.4.
- e. **Electrical Conductivity. (see Subsection g. Salinity)**
- f. **pH.** The Basin Plan includes a water quality objective for surface waters (except for Goose Lake) that the “...pH shall not be depressed below 6.5 nor raised above 8.5. Changes in normal ambient pH levels shall not exceed 0.5 in fresh waters with designated COLD or WARM beneficial uses.” Effluent Limitations for pH are included in this Order based on the Basin Plan objectives for pH.
- g. **Salinity.** The discharge contains total dissolved solids (TDS), chloride, sulfate, and electrical conductivity (EC). These are water quality parameters that are indicative of the salinity of the water. Their presence in water can be growth limiting to certain agricultural crops and can affect the taste of water for human consumption. There are no USEPA water quality criteria for the protection of aquatic organisms for these constituents. The Basin Plan contains a chemical constituent objective that incorporates State MCLs, contains a narrative objective, and contains numeric water quality objectives for EC, TDS, Sulfate, and Chloride.

Table F-3. Salinity Water Quality Criteria/Objectives

Parameter	Agricultural WQ Goal ¹	Secondary MCL ³	Effluent	
			Avg	Max
EC (µmhos/cm)	700 ²	900, 1600, 2200	185	647
TDS (mg/L)	450	500, 1000, 1500	n/a	n/a
Sulfate (mg/L)	Varies	250, 500, 600	n/a	n/a
Chloride (mg/L)	106	250, 500, 600	260	373

- 1 Agricultural water quality goals based on *Water Quality for Agriculture*, Food and Agriculture Organization of the United Nations—Irrigation and Drainage Paper No. 29, Rev. 1 (R.S. Ayers and D.W. Westcot, Rome, 1985)
- 2 The EC level in irrigation water that harms crop production depends on the crop type, soil type, irrigation methods, rainfall, and other factors. An EC level of 700 umhos/cm is generally considered to present no risk of salinity impacts to crops. However, many crops are grown successfully with higher salinities.
- 3 The secondary MCLs are stated as a recommended level, upper level, and a short-term maximum level.

- i. **Chloride.** The secondary MCL for chloride is 250 mg/L, as recommended level, 500 mg/L as an upper level, and 600 mg/L as a short-term maximum. The recommended agricultural water quality goal for chloride, that would apply the narrative chemical constituent objective, is 106 mg/L as a long-term average based on *Water Quality for Agriculture*, Food and Agriculture Organization of the United Nations—Irrigation and Drainage Paper No. 29,

Rev. 1 (R.S. Ayers and D.W. Westcot, Rome, 1985). The 106 mg/L water quality goal is intended to protect against adverse effects on sensitive crops when irrigated via sprinklers.

Salt (sodium chloride) is used as needed at the Facility as a fish-cleansing agent to control fish disease and to reduce stress amongst the confined fish population. The Discharger reports salt usage is generally restricted to the 'C' raceway and sometimes the 'D' raceway and is used when fish arrive from other hatcheries. Fish hatched and raised at the Facility are less disease prone than fish arriving from other hatcheries and salt is generally not used on the Facility-hatched fish. A typical application of salt consists of adding up to 500 pounds of salt in a single raceway. Water from the treated raceway is merged with the water from three untreated raceways having equal flow rates (approximately 4 cfs). Assuming the salt dissolves completely over a three-hour period, the maximum increase in salt concentration over background concentration discharged after merging with the three untreated raceways is 46 mg/L. Annual salt usage is typically 20-25,000 pounds with a high of 40,000 pounds.

Because dissolved ions in water increase EC, the measures of TDS, chloride ion, and EC are related. Therefore, effectively controlling the level of chloride in an effluent will also result in the presence of less TDS and EC in the effluent. Due to the direct application of salt to water flowing through the facility and, therefore, the potential discharge of salt, the Regional Water Board has determined that the discharger may cause, have the reasonable potential to cause, or contribute to an in-stream excursion of the narrative water quality objective for chemical constituents. Applying the Basin Plan "Policy for Application of Water Quality Objectives", the numeric standard that implements the narrative objective is the chloride the Agricultural Water Quality Goal of 106 mg/L. Therefore, an effluent limitation for chloride as a monthly average is necessary in order to ensure protection of the beneficial uses of receiving waters.

- ii. **Electrical Conductivity (EC).** The secondary MCL for EC is 900 $\mu\text{mhos/cm}$ as a recommended level, 1600 $\mu\text{mhos/cm}$ as an upper level, and 2200 $\mu\text{mhos/cm}$ as a short-term maximum. The agricultural water quality goal, that would apply the narrative chemical constituents objective, is 700 $\mu\text{mhos/cm}$ as a long-term average based on Water Quality for Agriculture, Food and Agriculture Organization of the United Nations—Irrigation and Drainage Paper No. 29, Rev. 1 (R.S. Ayers and D.W. Westcot, Rome, 1985). The 700 $\mu\text{mhos/cm}$ agricultural water quality goal is intended to prevent reduction in crop yield, i.e. a restriction on use of water, for salt-sensitive crops, such as beans, carrots, turnips, and strawberries. These crops are either currently grown in the area or may be grown in the future. Most other crops can tolerate higher EC concentrations without harm, however, as the salinity of the irrigation water increases, more crops are potentially harmed by the EC, or extra measures must be taken by the farmer

to minimize or eliminate any harmful impacts. The Basin Plan's receiving water objective for well mixed waters of the Sacramento River at Knights Landing above Colusa Basin Drain shall not exceed 230 micromhos (50th percentile) or 235 micromhos/cm (90th percentile) as a 10-year rolling average.

A review of the Discharger's monitoring reports from June 2004 through June 2008 shows the Facility is not measurably increasing the electrical conductivity of the receiving water over upstream conductivities as shown in the table below:

Electrical Conductivity (µmhos/cm) June 2004 – June 2008

	Influent	D001	D002	R-1	R-2
Average	94	88	86	94	93
Maximum	121	109	108	115	125
Minimum	70	82	42	76	74
Data count	44	27	27	37	37

Note: The source of the intake water is Big Springs Creek (Influent). Wastewater is discharged to Big Springs Creek via D002 and to Cold Creek via D001. R-1 and R-2 are the receiving water monitoring locations below their respective discharge locations.

Based on the electrical conductivity monitoring data, it is unlikely that the Facility will cause an exceedance of electrical conductivity objectives in the receiving water, no reasonable potential exists, and no electrical conductivity limitation is included in this order.

- iii. **Salinity Effluent Limitations.** Effluent limitations are being established for chloride. The Discharger can control the amount of chloride added to the process waters and is expected to be able to comply with the final effluent limitation. In addition, monitoring and receiving water limitations are being implemented for electrical conductivity.
- h. **Settleable Solids.** For inland surface waters, the Basin Plan states that "[w]ater shall not contain substances in concentrations that result in the deposition of material that causes nuisance or adversely affects beneficial uses." This Order contains average monthly and average daily effluent limitations for settleable solids.

The USEPA's final ELG for the aquaculture industry does not include numeric effluent limitations on any conventional, non-conventional, or toxic constituents. Rather, USEPA promulgated qualitative limitations in the form of BMP requirements. The Regional Board is establishing effluent limitations for discharges of total suspended solids (TSS) and settleable solids for this Facility. Technology-based requirements in this Order are based on a combination of application of the ELG for BMP requirements and case-by-case numeric limitations developed using best professional judgment (BPJ) and carried over from the previous Order No. R5-2004-0116. These effluent limitations are 5.0

mg/L net TSS as an average monthly limitation and 15 mg/L net TSS as a maximum daily limitation, and 0.1 ml/L settleable solids as an average monthly limitation and 0.2 ml/L settleable solids as a maximum daily limitation. Removal of these numeric limitations for TSS and settleable solids would constitute backsliding under CWA Section 402(o). The Regional Board has determined that these numeric limitations for TSS and settleable solids continue to be applicable to the Facility and that backsliding is not appropriate.

Because the amount of settleable solids is measured in terms of volume per volume without a mass component, it is impracticable to calculate mass limitations for inclusion in this Order. A daily maximum effluent limitation for settleable solids is included in the Order, in lieu of a weekly average, to ensure that the treatment works operate in accordance with design capabilities.

- i. **Aquaculture Drugs and Chemicals.** Numeric water quality criteria or Basin Plan numeric objectives currently are not available for most of the aquaculture drugs and chemicals used by the Discharger or proposed for use at this facility. Therefore, the Regional Board used the narrative water quality objective for toxicity from the Basin Plan and applied the Policy for “Application of Water Quality Objectives” as a basis for determining “reasonable potential” for discharges of these drugs and chemicals. This objective states, in part: “All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.” The Basin Plan states that compliance with this objective will be determined by several factors, including biotoxicity tests of appropriate duration, or other analytical methods as specified by the Regional Board. (Biotoxicity testing involves measuring the toxic effects of an effluent on specified organisms according to nationally approved protocols). USEPA’s TSD specifies two toxicity measurement techniques that can be employed in effluent characterization; the first is Whole Effluent Toxicity (WET) testing, and the second is chemical-specific toxicity analyses. WET testing is used most appropriately when the toxic constituents in an effluent are not completely known; whereas chemical-specific analysis is more appropriately used when an effluent contains only one, or very few, well-known constituents. Due to the nature of operations and chemical treatments at most CAAP facilities in the Region, CAAP facility effluents generally contain only one or two known chemicals at any given a time. Therefore, the Regional Board is using a chemical-specific approach to determine “reasonable potential” for discharges of aquaculture drugs and chemicals from CAAP facilities.

j. ***Antibiotics – Oxytetracyclin, and Penicillin G***

The Discharger may periodically use the antibiotics as therapeutic agents in bath treatments to control fish diseases.

Oxytetracycline, also known by the brand name Terramycin®, is an antibiotic approved through FDA’s NADA program for use in controlling ulcer disease,

furunculosis, bacterial hemorrhagic septicemia, and pseudomonas disease in salmonids. Oxytetracycline is most commonly used at CAAP facilities as a feed additive. However, Oxytetracycline may also be used as an extra-label use under a veterinarian's prescription in an immersion bath of approximately six to eight hours in duration. Because Oxytetracycline may be applied in an immersion bath for up to eight hours at a time, the Regional Board considered the results of acute and chronic aquatic life toxicity testing conducted by the DFG Pesticide Unit when determining whether water quality-based effluent limitations for Oxytetracycline used in an immersion bath treatment were necessary in this Order. Results of acute toxicity tests using *C. dubia* showed a 96-hour NOAEL of 40.4 mg/L. Results of chronic toxicity tests using *C. dubia* showed a 7-day NOEC for reproduction of 48 mg/L. This Order does not include an effluent limitation for oxytetracycline. However, monthly use of oxytetracycline must be reported as specified in the attached Monitoring and Reporting Program. The Regional Board will review this information, and other information as it becomes available, and this Order may be reopened to establish effluent limitations based on additional use and toxicity information.

Penicillin G, also known as Pen-G, is an antibiotic used in a six to eight hour immersion bath treatment to control acute disease outbreaks. Penicillin G is not approved under FDA's NADA program and its' extra-label use in aquaculture requires a veterinarian's prescription. Due to the length of treatment time (up to eight hours), the Regional Board considered the results of acute and chronic aquatic life toxicity testing conducted by the DFG Pesticide Unit when determining whether water quality-based effluent limitations for penicillin G were necessary in this Order. Results of acute toxicity tests using *C. dubia* showed a 96-hour NOAEL of 890 mg/L. Results of 7-day chronic toxicity testing using *Pimephales promelas* showed 7-day NOEC for survival of 350 mg/L. This Order does not include an effluent limitation for penicillin G. However, monthly use of penicillin G must be reported as specified in the attached Monitoring and Reporting Program. The Regional Board will review this information, and other information as it becomes available, and this Order may be reopened to establish effluent limitations based on additional use and toxicity information.

- k. **PVP Iodine.** PVP Iodine, a solution composed of 10% PVP Iodine Complex and 90% inert ingredients. PVP Iodine typically is applied in short-term treatments of 1-hour or less. Because PVP Iodine typically is applied in short-term treatments of 1-hour or less, results of acute aquatic life toxicity testing conducted by the DFG Pesticide Unit were considered when determining whether water quality-based effluent limitations for PVP Iodine were necessary in this Order. Results of a single acute toxicity test with *C. dubia* showed a 96-hour NOAEL of 0.86 mg/L. There is limited toxicity information and no information on actual discharge concentrations of PVP iodine. This Order does not include water quality-based effluent limitations for PVP Iodine. However, use and monitoring of PVP Iodine must be reported as specified in the attached Monitoring and Reporting Program. The Regional Board will review this information, and other information as it

becomes available and this Order may be reopened to establish effluent limitations based on additional use and toxicity information.

- I. **Formalin.** The Discharger may use Formalin (a 37 percent formaldehyde solution) as a fungicide treatment on the fish. Formalin (also known by the trade names Formalin-F®, Paracide-F®, PARASITE-S®) is approved through FDA's New Animal Drug Application (NADA) program for use in controlling external protozoa and monogenetic trematodes on fish, and for controlling fungi of the family Saprolegniaceae in food-producing aquatic species.

The State of California Department of Health Services (DHS) does not have a Maximum Containment Level (MCL) for formaldehyde, however the DHS historic Drinking Water Action Level is listed as 0.1 mg/L based on calculation by standard risk assessment methods, with a Modifying Factor = 10. The USEPA Integrated Risk Information System (IRIS) lists a reference dose of 1.4 mg/L as a drinking water level. There are no recommended criteria for formaldehyde for protection of aquatic life.

The Basin Plan contains a narrative water quality objective for toxicity that states in part that “[a]ll waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life” (narrative toxicity objective). Aquatic habitat is a beneficial use of the Sacramento River. The DFG Pesticide Unit conducted biotoxicity studies to determine the aquatic toxicity of Formalin using *Pimephales promelas* and *Ceriodaphnia dubia* in accordance with the analytical methods specified in EPA600/4-91-002, Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms. These “short-term chronic tests” measure effects such as reduced growth of the organism, reduced reproduction rates, or lethality. Results were reported as a No Observed Effect Concentration (NOEC) and a Lowest Observed Effect Concentration (LOEC). The DFG Pesticide Unit also conducted acute toxicity tests using *Ceriodaphnia dubia* in accordance with methods specified in EPA600/4-90/027, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms. Acute toxicity test results typically are reported as the No Observed Adverse Effect Level (NOAEL), Lowest Observed Adverse Effect Level (LOAEL), and LC50. A summary of the data submitted follows:

Species	7-day LC50 (mg/L)	LOEC (mg/L)	NOEC (mg/L)	LOAEL (mg/L)	NOAEL (mg/L)
<i>Ceriodaphnia dubia</i>	2.4	5.8 ¹ 1.3 ²	1.3 ¹ <1.3 ²	5.8	1.3
<i>Pimephales promelas</i>	23.3	9.09	2.28	--	--
<i>Selanastrum capricornutum</i>	<5.2	--	--	--	--

¹Survival

²Reproduction

Since Formalin treatments are usually utilized as a batch or flush treatment which result in discharges from three to eight hours, short-term tests were conducted with *Ceriodaphnia dubia*, exposing the organisms for 2-hour and 8-hour periods, removing them from the chemical, and continuing the observation period for 7 days in clean water. The results were as follows:

Species	7-day LC50 (mg/L)	LOAEL (mg/L)	NOAEL (mg/L)
<i>Ceriodaphnia dubia</i> – 2-hour exposure	73.65	46.3	20.7
<i>Ceriodaphnia dubia</i> – 8-hour exposure	13.99	15.3	6.7

Results of both acute and chronic aquatic life toxicity testing conducted by the DFG Pesticide Unit were considered, effluent limitations from the previous Order, along with the Basin Plan narrative toxicity objective when determining whether water quality-based effluent limitations for formalin as formaldehyde were necessary. Results of 7-day chronic toxicity tests indicated *Ceriodaphnia dubia* was the most sensitive species, with a 7-day NOEC value of 1.3 mg/l formaldehyde for survival and < 1.3 mg/l for reproduction (the Regional Board used an NOEC of 1.3 mg/L). Acute toxicity tests conducted using *Ceriodaphnia dubia* showed a 96-hour NOAEL of 1.3 mg/l formaldehyde. The additional acute toxicity tests with *Ceriodaphnia dubia* conduct using only an 8-hour exposure, resulted in a 96-hour NOAEL concentration of 6.7 mg/L formaldehyde. There is no information regarding future discharge concentrations of formaldehyde in the raceways, therefore, this Order includes water quality-based effluent limitations for formaldehyde to ensure protection of the receiving waters.

Formalin is used at a concentration of 1000 ppm formalin to water to treat of fungus on trout eggs while they are in incubator stacks in Hatchery Building E. The Formalin is added to the incoming water manifold and the amount of Formalin is adjusted depending on how many of the fifteen incubator stacks are in use. Each incubator stack receives five to six gallons of water per minute. The Formalin is administered for 15 minutes to each stack column in use on Mondays, Wednesdays and Fridays. The number of incubator stacks in use depends on the amount of eggs on hand. Generally the stacks are operated from early January to mid March. During the Formalin treatment, the stack effluent is diverted to the formaldehyde percolation pond (discharge point 003). Effluent from the stacks is discharged at discharge point 002 when Formalin is not in use.

In the June 2008 USEPA *Reregistration Eligibility Decision for Formaldehyde and Paraformaldehyde* (EPA 739-R-08-004), the USEPA reports that they had no environmental fate and transport data for formaldehyde but that open literature for fate and transport studies indicate that there are multiple degradation pathways for formaldehyde. The half-life of formaldehyde, as reported in the reregistration decision has been reported as between 24-168 hours (1-7 days) in

surface water and 48-336 hours (2-14 days) in groundwater, based on estimated aqueous aerobic biodegradation half lives.

Formaldehyde is classified as a B1 (probable human carcinogen) in the US EPA's IRIS assessment. California Notification levels (formerly called "action levels") are published by the California Department of Public Health (CDPH) for chemicals for which there is no drinking water MCL. Notification levels are based mainly on health effects (in most cases an incremental cancer risk estimate of 1×10^{-6} for carcinogens and a threshold toxicity limit for other constituents). As with MCLs, the ability to quantify the amount of the constituent in a water sample using readily available analytical methods may cause notification levels to be set at somewhat higher concentrations than purely health-based values. Notification levels are advisory to water suppliers. If a notification level is exceeded, local government notification is required and customer notification is recommended. At a higher level, called the response level, the CDPH recommends that the drinking water source be taken out of service. The California Notification Level for formaldehyde is 100 ug/L. This permit requires the Discharger evaluate the impact of formaldehyde on groundwater, treatment methods and alternative stack treatment options. The California Notification Level is used as a reference concentration in the evaluation. The Regional Water Board may waive the groundwater investigation and monitoring requirements should the Discharger eliminate the use of Formalin in the Hatchery building.

Based on historic application rates for formalin at the Facility, the Regional Board determined that if formalin is used at this Facility in the future, formaldehyde may be discharged at levels that cause, have the reasonable potential to cause, or contribute to an excursion of a narrative water quality objective for toxicity from the Basin Plan. Accordingly, this Order includes water quality-based effluent limitations for formaldehyde. Exposure to formaldehyde in the receiving water as a result of discharges from the Facility may be long-term because of retention time in the settling basin and potential application procedures (e.g., successive raceway treatments, drip treatments for eggs). Therefore, an average monthly effluent limitation of 0.65 mg/L and a maximum daily effluent limitation of 1.3 mg/L are calculated based on the 96-hour NOAEL value and using the procedure in USEPA's TSD for calculating water quality-based effluent limitations. These limitations are carried over from the previous Order No. R5-2004-0116. Removal of these numeric limitations would constitute backsliding under CWA Section 402(o). The Regional Board has determined that these numeric limitations continue to be applicable to the Facility and that backsliding is not appropriate. These effluent limitations will ensure protection of aquatic life against effects from exposure to formaldehyde in the Discharge.

Use and monitoring of formaldehyde must be reported as specified in the attached Monitoring and Reporting Program and results of additional toxicity tests must be submitted as specified in a Provision to this Order. The Regional Board will review this information, and other information as it becomes available

and this Order may be reopened if necessary to establish more stringent effluent limitations based on additional use and toxicity information.

- m. **Hydrogen Peroxide.** Hydrogen peroxide (35 % H₂O₂) may be used by the Discharger as a flow-through raceway treatment. FDA considers hydrogen peroxide to be an LRP drug when used to control fungi on fish at all life stages, including eggs. Hydrogen peroxide may also be used under an INAD exemption to control bacterial gill disease in various fish, fungal infections, external bacterial infections, and external parasites. Hydrogen peroxide is a strong oxidizer that breaks down into water and oxygen; however, it exhibits toxicity to aquatic life during the oxidation process. Since there is limited toxicity information available at this time and no information regarding actual discharge concentrations of hydrogen peroxide, this Order does not include water quality-based effluent limitations for hydrogen peroxide. However, use and monitoring of hydrogen peroxide must be reported as specified in the attached Monitoring and Reporting Program.
- n. **Potassium Permanganate.** Potassium permanganate (also known by the trade name of Cairox™) may be used to control gill disease as a 1-hour flush treatment in a single raceway. Potassium permanganate has a low estimated lifetime in the environment, being readily converted by oxidizable materials to insoluble manganese dioxide (MnO₂). In non-reducing and non-acidic environments, MnO₂ is insoluble and has a very low bioaccumulative potential. Potassium permanganate is not approved for use in aquaculture under FDA's NADA program and should therefore be used in accordance with an INAD exemption granted by FDA. Potassium permanganate is typically applied in a single, short-term treatment, or as a series of closely-spaced, short-term treatments. Results of a single acute toxicity test conducted by the DFG Pesticide Unit using *C. dubia* showed a 96-hour NOAEL of 0.038 mg/L for potassium permanganate. Since there is limited toxicity information available at this time and no information regarding actual discharge concentrations of potassium permanganate, this Order does not include water quality-based effluent limitations for potassium permanganate. However, use and monitoring of potassium permanganate must be reported as specified in the attached Monitoring and Reporting Program.
- o. **Copper Sulfate.** Copper, primarily in the forms of copper sulfate and chelated copper compounds, is used in fish hatcheries to control algae and other vegetation that is susceptible to the toxic effects of copper uptake, and it is used to control the growth of external parasites and bacteria on fish.

The CTR includes hardness-dependent criteria for the protection of freshwater aquatic life for copper. The criteria for copper are presented in dissolved concentrations. USEPA recommends conversion factors to translate dissolved concentrations to total concentrations. The USEPA default conversion factors for copper in freshwater are 0.96 for both the acute and the chronic criteria. Using the worst-case measured hardness from the effluent (25.5 mg/L as CaCO₃) and the USEPA recommended dissolved-to-total translator, the applicable chronic

criterion (maximum four-day average concentration) is 2.9 µg/L and the applicable acute criterion (maximum one-hour average concentration) is 3.9 µg/L, as total recoverable.

The Basin Plan contains specific acute limits for dissolved copper in the Sacramento River and its tributaries above State Highway 32 bridge at Hamilton City. The maximum dissolved concentration of copper in the Sacramento River and its tributaries above State Highway 32 bridge at Hamilton City is:

$$Cu = e^{(0.905)(\ln \text{ hardness}) - 1.612} \mu\text{g/L}$$

For 25.5 mg/L hardness, the maximum (acute) dissolved copper limit is 3.7 µg/L based on the Basin Plan limitations. Converting to a total concentration using the EPA's default conversion factor results in a Basin Plan criterion of 3.9 µg/L as total recoverable. The acute limitation in the Basin Plan is equal to the acute limitation in the CTR, in this instance.

Based on the calculated concentration as well as the actual measurements during treatments, the copper concentration in the effluent has a reasonable potential to exceed the water quality objective. Therefore, this Order includes both maximum daily and average monthly effluent limitations for copper.

The last reported use of copper sulfate at the facility was in March 2003. A total of 8.27 pounds of copper sulfate was used in 2003 at the Facility. The prescribed maximum usage is 240 grams per raceway. At the minimum flow through the Facility, and with the maximum use of copper sulfate per raceway, the calculated concentration in a five-hour discharge would be 32.11 µg/L total copper at Discharge 001. The Discharger conducted monitoring in 2003, taking grab samples during three copper treatments. The maximum reported concentration was 34.6 µg/L total copper in Discharge 001 during the three copper treatments of one raceway at a time. Therefore, the discharge has a reasonable potential to cause or contribute to an in-stream excursion above the CTR criteria for copper. An AMEL and MDEL for total copper of 1.98 µg/L and 3.89 µg/L, respectively, are included in this Order based on CTR criteria for the protection of freshwater aquatic life (See Attachment F, Table F-5 for WQBEL calculations). As noted above, copper sulfate is used for disease control at the facility.

4. WQBEL Calculations

- a. Effluent limitations for copper were calculated in accordance with section 1.4 of the SIP. The following paragraphs describe the methodology used for calculating effluent limitations.
- b. **Effluent Limitation Calculations.** In calculating maximum effluent limitations, the effluent concentration allowances were set equal to the criteria/standards/objectives.

$$ECA_{acute} = CMC \qquad ECA_{chronic} = CCC$$

For the human health, agriculture, or other long-term criterion/objective, a dilution credit can be applied. The ECA is calculated as follows:

$$ECA_{HH} = HH + D(HH - B)$$

where:

ECA_{acute} = effluent concentration allowance for acute (one-hour average) toxicity criterion

$ECA_{chronic}$ = effluent concentration allowance for chronic (four-day average) toxicity criterion

ECA_{HH} = effluent concentration allowance for human health, agriculture, or other long-term criterion/objective

CMC = criteria maximum concentration (one-hour average)

CCC = criteria continuous concentration (four-day average, unless otherwise noted)

HH = human health, agriculture, or other long-term criterion/objective

D = dilution credit

B = maximum receiving water concentration

Acute and chronic toxicity ECAs were then converted to equivalent long-term averages (LTA) using statistical multipliers and the lowest is used. Additional statistical multipliers were then used to calculate the maximum daily effluent limitation (MDEL) and the average monthly effluent limitation (AMEL).

Human health ECAs are set equal to the AMEL and a statistical multiplier is used to calculate the MDEL.

$$\begin{aligned}
 & \overbrace{\min(M_A ECA_{acute}, M_C ECA_{chronic})}^{LTA_{acute}} \\
 AMEL &= mult_{AMEL} [\min(M_A ECA_{acute}, M_C ECA_{chronic})] \\
 MDEL &= mult_{MDEL} [\min(M_A ECA_{acute}, M_C ECA_{chronic})] \\
 & \underbrace{\min(M_A ECA_{acute}, M_C ECA_{chronic})}_{LTA_{chronic}} \\
 MDEL_{HH} &= \left(\frac{mult_{MDEL}}{mult_{AMEL}} \right) AMEL_{HH}
 \end{aligned}$$

where:

- $mult_{AMEL}$ = statistical multiplier converting minimum LTA to AMEL
- $mult_{MDEL}$ = statistical multiplier converting minimum LTA to MDEL
- M_A = statistical multiplier converting CMC to LTA
- M_C = statistical multiplier converting CCC to LTA

Water quality-based effluent limitations were calculated for copper as follows in Tables F-4, below.

Table F-4. WQBEL Calculations for Copper

	Acute	Chronic
Criteria, dissolved (µg/L) ⁽¹⁾	3.7	2.8
Dilution Credit	No Dilution	No Dilution
Translator ⁽²⁾	0.96	0.96
ECA, total recoverable ⁽³⁾	3.9	2.9
ECA Multiplier ⁽⁴⁾	0.321	0.527
LTA	1.25	1.53
AMEL Multiplier (95 th %) ⁽⁵⁾⁽⁶⁾	1.55	⁽⁸⁾
AMEL (µg/L)	1.98	⁽⁸⁾
MDEL Multiplier (99 th %) ⁽⁷⁾	3.11	⁽⁸⁾
MDEL (µg/L)	3.89 ⁽⁹⁾	⁽⁸⁾

⁽¹⁾ CTR aquatic life criteria, based on a hardness of 25.5 mg/L as CaCO₃

⁽²⁾ EPA Translator used as default.

⁽³⁾ ECA calculated per section 1.4.B, Step 2 of SIP. This allows for the consideration of dilution.

⁽⁴⁾ Acute and Chronic ECA Multiplier calculated at 99th percentile per section 1.4.B, Step 3 of SIP or per sections 5.4.1 and 5.5.4 of the TSD. As there was only one sample, the CV was set to 0.6 and the multipliers determined from Table 1 of the SIP.

⁽⁵⁾ Assumes sampling frequency n=<4.

⁽⁶⁾ The probability basis for AMEL is 95th percentile per section 1.4.B, Step 5 of SIP or section 5.5.4 of the TSD.

⁽⁷⁾ The probability basis for MDEL is 99th percentile per section 1.4.B, Step 5 of SIP or section 5.5.4 of the TSD.

⁽⁸⁾ Limitations based on acute LTA (Acute LTA < Chronic LTA)

⁽⁹⁾ MDEL is less than the Basin Plan site-specific objective for copper (10.4 µg/L).

Summary of Water Quality-based Effluent Limitations Discharge Point Discharges – Discharges 001 and 002

Table F-5. Summary of Water Quality-based Effluent Limitations

Parameter	Units	Effluent Limitations			
		Average Monthly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
pH	standard units	--	--	6.0	9.0
Settleable Matter	ml/L	0.1	0.2	--	--
Copper (Total Recoverable)	µg/L	1.98	3.89	--	--
Formaldehyde ¹	mg/L	0.65	1.3	--	--
Chloride	mg/L	106	--	--	--
	lbs/day ²	12,200	--	--	--

1 The maximum 8-hour formaldehyde limitation shall not exceed 8.0 mg/L.

2 Based on a design flow of 13.8 mgd.

5. Whole Effluent Toxicity (WET) – Not Applicable

The Basin Plan specifies a narrative objective for toxicity, requiring that “*All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life.*” Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassays of appropriate duration and/or other appropriate methods as specified by the Regional Water Board. The survival of aquatic life in surface waters subjected to a waste discharge, or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge, or when necessary, for other control water that is consistent with the requirements for “experimental water” as defined in Standard Methods for the Examination of Water and Wastewater (American Public Health Association, et al. 1992).

In addition to the Basin Plan requirements, Section 4 of the SIP states that a chronic toxicity effluent limitation is required in permits for all discharges that will cause, have the reasonable potential to cause, or contribute to chronic toxicity in receiving waters.

Numeric water quality criteria, or Basin Plan numeric objectives currently are not available for many of the aquaculture drugs and chemicals used by aquaculture facilities. Therefore, the Regional Water Board uses the narrative water quality objective for toxicity from the Basin Plan as a basis for determining “reasonable potential” for discharges of these drugs and chemicals. USEPA’s *Technical Support Document Water Quality-based Toxics Control* (TSD) specifies two toxicity measurement techniques that can be employed in effluent characterization; the first is Whole Effluent Toxicity (WET) testing, and the second is chemical-specific toxicity analyses. WET requirements protect the receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. WET tests measure the degree of response of exposed aquatic test organisms to an effluent. The WET approach allows for protection of the narrative “*no toxics in toxic amounts*” criterion while implementing numeric criteria for toxicity. There are two types of WET tests: acute and chronic. An acute toxicity test is conducted over a short time period and generally measures mortality. A chronic toxicity test is conducted over a longer period of time and may measure mortality, reproduction, and growth. For fish hatcheries WET testing is used most appropriately when the toxic constituents in an effluent are not completely known; whereas chemical-specific analysis is more appropriately used when an effluent contains only one, or very few, well-known constituents.

Due to the nature of operations at the Facility, its effluent is very consistent. Inputs into the system are limited to source water from the Big Springs Creek, feed, and, occasionally, therapeutents. Therefore, the Regional Water Board is using a chemical-specific approach to determine “reasonable potential” for discharges of aquaculture drugs and chemicals. As such it is not necessary to include an acute toxicity effluent limitation or require acute or chronic WET testing.

D. Final Effluent Limitations

1. Mass-based Effluent Limitations.

Title 40 CFR 122.45(f)(1) requires effluent limitations be expressed in terms of mass, with some exceptions, and 40 CFR 122.45(f)(2) allows pollutants that are limited in terms of mass to additionally be limited in terms of other units of measurement. This Order includes effluent limitations expressed in terms of mass and concentration. In addition, pursuant to the exceptions to mass limitations provided in 40 CFR 122.45(f)(1), some effluent limitations are not expressed in terms of mass, such as pH and temperature, and when the applicable standards are expressed in terms of concentration (e.g. CTR criteria and MCLs) and mass limitations are not necessary to protect the beneficial uses of the receiving water.

2. Satisfaction of Anti-Backsliding Requirements.

Sections 402(o)(2) and 303(d)(4) and federal regulations at Title 40, Code of Federal Regulations section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as the effluent limitations in the previous Order with some exceptions where limitations may be relaxed. All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order. The effluent limitations contained in this Order are consistent with the anti-backsliding requirements of the CWA and federal regulations.

3. Satisfaction of Antidegradation Policy

The permitted discharge is consistent with the antidegradation provisions of 40 CFR 131.12 and State Water Board Resolution 68-16. Compliance with these requirements will result in the use of best practicable treatment or control of the discharge. This permit does not allow for the degradation of ground or surface waters over the previous permit. If the percolation pond investigation finds groundwater degradation, the Discharger is required to complete an antidegradation analysis and implement a Best Practicable Treatment or Control (BPTC) plan for the affected operation. The impact on existing water quality will be insignificant.

Summary of Final Effluent Limitations Discharge Points 001 and 002

Table F-6. Summary of Final Effluent Limitations

Parameter	Units	Effluent Limitations			
		Average Monthly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
Flow	mgd	--	13.8	--	--
pH	standard units	--	--	6.0	9.0
Total Suspended Matter	mg/L	5	15	--	--

Parameter	Units	Effluent Limitations			
		Average Monthly	Maximum Daily	Instantaneous Minimum	Instantaneous Maximum
	lbs/day ¹	580	1,730	--	--
Settleable Matter	ml/L	0.1	0.2	--	--
Copper (Total Recoverable)	µg/L	1.98	3.89	--	--
Formaldehyde	mg/L	0.65	1.3	--	--
Chloride	mg/L	106	--	--	--
	lbs/day ¹	12,200	--	--	--

¹ Based on a design flow of 47.3 mgd.

The Discharger shall minimize the discharge of Total Suspended Solids to no greater than the ELG through implementing best management practices established in Special Provision VI.C.3 of this Order.

E. Interim Effluent Limitations – Copper

The SIP, section 2.2.1, requires that if a compliance schedule is granted for a CTR or NTR constituent, the Regional Water Board shall establish interim requirements and dates for their achievement in the NPDES permit. Interim limitations must be based on current facility performance or existing permit limitations whichever is more stringent. The State Water Board has held that the SIP may be used as guidance for non-CTR constituents.

Cease and Desist order No. R5-2004-0117 was adopted concurrently with the previous NPDES permit for this Facility. The Cease and Desist order allowed for an interim daily maximum total recoverable copper limit of 107.6 µg/L until 1 September 2009. The Discharger has demonstrated they do not need to use copper sulfate under normal operating conditions as they have not used copper sulfate since March 2003. Due to the short time period between adoption of this permit and the current 1 September 2009 compliance deadline and the achievement of compliance since March 2003, there does not appear to be a pressing need to include interim copper limitations in this permit.

F. Land Discharge Specifications – Discharge Point 003

Percolation pond freeboard shall not be less than one foot (measured vertically to the lowest point of overflow), except if lesser freeboard does not threaten the integrity of the pond, no overflow of the pond occurs, and lesser freeboard is due to direct precipitation or storm water runoff occurring as a result of annual precipitation with greater than a 100-year recurrence interval, or a storm event with an intensity greater than a 25-year, 24-hour storm event. A one-foot freeboard standard was selected because the Discharger controls the influent to the pond with the exception of direct precipitation, and wave action does not appear to be a problem.

G. Reclamation Specifications – Not Applicable

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

Basin Plan water quality objectives to protect the beneficial uses of surface water and groundwater include numeric objectives and narrative objectives, including objectives for chemical constituents, toxicity, and tastes and odors. The toxicity objective requires that surface water and groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in humans, plants, animals, or aquatic life. The chemical constituent objective requires that surface water and groundwater shall not contain chemical constituents in concentrations that adversely affect any beneficial use or that exceed the maximum contaminant levels (MCLs) in Title 22, CCR. The tastes and odors objective states that surface water and groundwater shall not contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses. The Basin Plan requires the application of the most stringent objective necessary to ensure that surface water and groundwater do not contain chemical constituents, toxic substances, radionuclides, or taste and odor producing substances in concentrations that adversely affect domestic drinking water supply, agricultural supply, or any other beneficial use.

A. Surface Water

1. CWA section 303(a-c), requires states to adopt water quality standards, including criteria where they are necessary to protect beneficial uses. The Regional Water Board adopted water quality criteria as water quality objectives in the Basin Plan. The Basin Plan states that “[t]he numerical and narrative water quality objectives define the least stringent standards that the Regional Board will apply to regional waters in order to protect the beneficial uses.” The Basin Plan includes numeric and narrative water quality objectives for various beneficial uses and water bodies. This Order contains Receiving Surface Water Limitations based on the Basin Plan numerical and narrative water quality objectives for biostimulatory substances, chemical constituents, color, dissolved oxygen, floating material, oil and grease, pH, pesticides, diazinon, radioactivity, salinity, sediment, settleable material, suspended material, tastes and odors, temperature, toxicity, turbidity, and electrical conductivity.

Numeric Basin Plan objectives for bacteria, dissolved oxygen, pH, temperature, and turbidity are applicable to this discharge and have been incorporated as Receiving Surface Water Limitations. Rational for these numeric receiving surface water limitations are as follows:

- a. **Bacteria.** The Basin Plan includes a water quality objective that “[i]n water designated for contact recreation (REC-1), the fecal coliform concentration based on a minimum of not less than five samples for any 30-day period shall not exceed a geometric mean of 200/100 ml, nor shall more than ten percent of the total number of samples taken during any 30-day period exceed 400/100 ml.” Numeric Receiving Water Limitations for bacteria are included in this Order and are based on the Basin Plan objective.

- b. **Biostimulatory Substances.** The Basin Plan includes a water quality objective that “[W]ater shall not contain biostimulatory substances which promote aquatic growths in concentrations that cause nuisance or adversely affect beneficial uses.” Receiving Water Limitations for biostimulatory substances are included in this Order and are based on the Basin Plan objective.
- c. **Color.** The Basin Plan includes a water quality objective that “[W]ater shall be free of discoloration that causes nuisance or adversely affects beneficial uses.” Receiving Water Limitations for color are included in this Order and are based on the Basin Plan objective.
- d. **Chemical Constituents.** The Basin Plan includes a water quality objective that “[W]aters shall not contain chemical constituents in concentrations that adversely affect beneficial uses.” Receiving Water Limitations for chemical constituents are included in this Order and are based on the Basin Plan objective.
- e. **Dissolved Oxygen.** Lake Siskiyou has been designated as having the beneficial use of cold freshwater aquatic habitat (COLD). For water bodies designated as having COLD as a beneficial use, the Basin Plan includes a water quality objective of maintaining a minimum of 7.0 mg/L of dissolved oxygen. Since the beneficial use of COLD applies to Lake Siskiyou, a receiving water limitation of 7.0 mg/L is included in this Order.

For surface water bodies outside of the Delta, the Basin Plan includes the water quality objective that “...the monthly median of the mean daily dissolved oxygen (DO) concentration shall not fall below 85 percent of saturation in the main water mass, and the 95 percentile concentration shall not fall below 75 percent of saturation.” This objective was included as a receiving water limitation in this Order.

- f. **Floating Material.** The Basin Plan includes a water quality objective that “[W]ater shall not contain floating material in amounts that cause nuisance or adversely affect beneficial uses.” Receiving Water Limitations for floating material are included in this Order and are based on the Basin Plan objective.
- g. **Oil and Grease.** The Basin Plan includes a water quality objective that “[W]aters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.” Receiving Water Limitations for oil and grease are included in this Order and are based on the Basin Plan objective.
- h. **pH.** The Basin Plan includes water quality objective that “[T]he pH shall not be depressed below 6.5 nor raised above 8.5. Changes in normal ambient pH levels shall not exceed 0.5 in fresh waters with designated COLD or WARM beneficial uses”. This Order includes receiving water limitations for both pH range and pH change.

The Basin Plan allows an appropriate averaging period for pH change in the receiving stream. Since there is no technical information available that indicates that aquatic organisms are adversely affected by shifts in pH within the 6.5 to 8.5 range, an averaging period is considered appropriate and a monthly averaging period for determining compliance with the 0.5 receiving water pH limitation is included in this Order.

- i. **Pesticides.** The Basin Plan includes a water quality objective for pesticides beginning on page III-6.00. Receiving Water Limitations for pesticides are included in this Order and are based on the Basin Plan objective.
- j. **Diazinon.** The Basin Plan includes a water quality objective that “[B]eginning July 1, 2008, (i) the direct or indirect discharge of diazinon into the Sacramento and Feather Rivers is prohibited if, in the previous year (July-June), any exceedance of the diazinon water quality objectives occurred, and (ii) the direct or indirect discharge of diazinon into any sub-watershed (identified in Table IV-7) is prohibited if, in the previous year (July-June), the load allocation was not met in that subwatershed. Prohibition (i) applies only to diazinon discharges that are tributary to or upstream from the location where the water quality objective was exceeded. These prohibitions do not apply if the discharge of diazinon is subject to a waiver of waste discharge requirements implementing the water quality objectives and load allocations for diazinon for the Sacramento and Feather Rivers, or governed by individual or general waste discharge requirements.” Receiving Water Limitations for diazinon are included in this Order and are based on the Basin Plan objective.
- k. **Radioactivity.** The Basin Plan includes a water quality objective that “[R]adionuclides shall not be present in concentrations that are harmful to human, plant, animal or aquatic life nor that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal or aquatic life.” The Basin Plan states further that “[A]t a minimum, waters designated for use as domestic or municipal supply (MUN) shall not contain concentrations of radionuclides in excess of the maximum contaminant levels (MCLs) specified in Table 4 (MCL Radioactivity) of Section 64443 of Title 22 of the California Code of Regulations...” Receiving Water Limitations for radioactivity are included in this Order and are based on the Basin Plan objective.
- l. **Salinity.** The Basin Plan includes a requirement that the electrical conductivity value not exceed 230 micromhos/cm (50th percentile) or 235 (90th percentile) at Knights Landing above Colusa Drain in the Sacramento River.
- m. **Sediment.** The Basin Plan includes a water quality objective that “[T]he suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely

affect beneficial uses” Receiving Water Limitations for suspended sediments are included in this Order and are based on the Basin Plan objective.

- n. **Settleable Material.** The Basin Plan includes a water quality objective that *“[W]aters shall not contain substances in concentrations that result in the deposition of material that causes nuisance or adversely affects beneficial uses.”* Receiving Water Limitations for settleable material are included in this Order and are based on the Basin Plan objective.
- o. **Suspended Material.** The Basin Plan includes a water quality objective that *“[W]aters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.”* Receiving Water Limitations for suspended material are included in this Order and are based on the Basin Plan objective.
- p. **Taste and Odors.** The Basin Plan includes a water quality objective that *“[W]ater shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to domestic or municipal water supplies or to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses.”* Receiving Water Limitations for taste- or odor-producing substances are included in this Order and are based on the Basin Plan objective.
- q. **Temperature.** Lake Siskiyou has the beneficial uses of both COLD and WARM. The Basin Plan includes the objective that *“[a]t no time or place shall the temperature of COLD or WARM intrastate waters be increased more than 5°F above natural receiving water temperature.”* This Order includes a receiving water limitation based on this objective.
- r. **Toxicity.** The Basin Plan includes a water quality objective that *“[A]ll waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.”* Receiving Water Limitations for toxicity are included in this Order and are based on the Basin Plan objective.
- s. **Turbidity.** The Basin Plan includes a water quality objective that *“[I]ncreases in turbidity attributable to controllable water quality factors shall not exceed the following limits:*
 - *Where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases shall not exceed 1 NTU.*
 - *Where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent.*
 - *Where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs.*

- *Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent."*

A numeric Receiving Surface Water Limitation for turbidity is included in this Order and is based on the Basin Plan objective for turbidity.

B. Groundwater

1. The beneficial uses of the underlying ground water are municipal and domestic supply (MUN), industrial service supply (IND), industrial process supply (PRO), and agricultural supply (AGR).
2. Basin Plan water quality objectives include narrative objectives for chemical constituents, tastes and odors, and toxicity of groundwater. The toxicity objective requires that groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in humans, plants, animals, or aquatic life. The chemical constituent objective states groundwater shall not contain chemical constituents in concentrations that adversely affect any beneficial use. The tastes and odors objective prohibits taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses. The Basin Plan also establishes numerical water quality objectives for chemical constituents and radioactivity in groundwaters designated as municipal supply. These include, at a minimum, compliance with MCLs in Title 22 of the CCR. The bacteria objective prohibits coliform organisms at or above 2.2 MPN/100 ml. The Basin Plan requires the application of the most stringent objective necessary to ensure that waters do not contain chemical constituents, toxic substances, radionuclides, taste- or odor-producing substances, or bacteria in concentrations that adversely affect municipal or domestic supply, agricultural supply, industrial supply or some other beneficial use.
3. Domestic sewage from the hatchery buildings and private residences is discharged to septic tank/leachfield systems. Hatchery Building B and the shop have separate septic tanks with a common leachfield. The museum and an adjacent residence share a common septic tank/leachfield. The private residence adjacent to Pond X has its own septic tank/leachfield. The remaining five residences and meat house have three septic tanks serviced by a common leachfield. Groundwater limitations are required to protect the beneficial uses of the underlying groundwater.

This permit does not allow degradation of groundwater quality to occur as a result of disposal to the percolation pond. If degradation is detected, this permit may be reopened to establish appropriate groundwater limits.

VI. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

Section 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorize the Regional Water Board to require technical and monitoring reports. The Monitoring and Reporting Program (MRP), Attachment E of this Order, establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in the MRP for this facility.

A. Influent Monitoring

1. Influent monitoring is required for total suspended solids, settleable solids, and pH where there is a discharge from Discharges 001, 002 or 003. Influent suspended solids and settleable solids will be subtracted from the effluent concentrations to calculate the net increase. Hardness, pH, and copper (as total and dissolved) monitoring are required during periods when copper sulfate is used at the Facility. Annual monitoring for total ammonia, total nitrogen, and total phosphorous is required during the month of maximum fish production to provide the basis for net increases in the discharges.

B. Effluent Monitoring

1. Pursuant to the requirements of 40 CFR §122.44(i)(2) effluent monitoring is required for all constituents with effluent limitations. Effluent monitoring is necessary to assess compliance with effluent limitations, assess the effectiveness of the treatment process, and to assess the impacts of the discharge on the receiving water.
2. Effluent monitoring for flow, total suspended solids, settleable solids, pH, and hardness is required when there is a discharge from Discharges 001, 002 or 003. Monitoring for hardness, pH, copper (as total and dissolved) is required when copper sulfate is utilized for treatments and is being discharged from Discharges 001, 002, or 003. Monitoring for formaldehyde in the direct discharge is required when formalin is utilized.
3. Effluent monitoring for specific conductance is required monthly when salt is added to waters of the Facility. Monitoring for hardness, pH, and copper (as total and dissolved) is required when copper sulfate is utilized for treatments. Monitoring for formaldehyde is required when formalin is utilized. Annual monitoring for total ammonia, total nitrogen, and total phosphorous is required during the month of maximum fish production.

C. Whole Effluent Toxicity Testing Requirements – Not Applicable

D. Receiving Water Monitoring

1. Surface Water

- a. Receiving water monitoring is necessary to assess compliance with receiving water limitations and to assess the impacts of the discharge on the receiving stream.

2. Groundwater

- a. Groundwater monitoring is necessary to assess the impact of discharges to the formaldehyde percolation pond.

E. Other Monitoring Requirements

VII. RATIONALE FOR PROVISIONS

A. Standard Provisions

Standard Provisions, which apply to all NPDES permits in accordance with section 122.41, and additional conditions applicable to specified categories of permits in accordance with section 122.42, are provided in Attachment D. The discharger must comply with all standard provisions and with those additional conditions that are applicable under section 122.42.

Section 122.41(a)(1) and (b) through (n) establish conditions that apply to all State-issued NPDES permits. These conditions must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the regulations must be included in the Order. Section 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. In accordance with section 123.25, this Order omits federal conditions that address enforcement authority specified in sections 122.41(j)(5) and (k)(2) because the enforcement authority under the Water Code is more stringent. In lieu of these conditions, this Order incorporates by reference Water Code section 13387(e).

B. Special Provisions

1. Reopener Provisions

- a. This provision allows the Regional Water Board to re-open this Order to include any newly adopted receiving water standards.
- b. Conditions that necessitate a major modification of a permit are described in 40 CFR section 122.62, which include the following:
 - (i) When standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision. Therefore, if more or less stringent applicable water quality standards are promulgated or approved pursuant to section 303 of

the Federal Water Pollution Control Act or amendments thereto, the Regional Water Board will revise and modify this Order in accordance with such more or less stringent standards.

- (ii) When new information, that was not available at the time of permit issuance, would have justified different permit conditions at the time of issuance.

2. Special Studies and Additional Monitoring Requirements

a. Provision VI.C.2.a, Chemical and Aquaculture Drug Reporting

Requirements. As described in Section IV.B.1 of this Fact Sheet, the final ELG includes the following reporting and narrative requirements for CAAP facilities that are subject to 40 CFR Part 451:

- Must notify the permitting authority of the use of any investigational new animal drug (INAD) and any extra-label drug use where the use may lead to a discharge to waters of the United States.
- Reporting requirement for failure in or damage to the structure of an aquatic animal containment system, resulting in an unanticipated material discharge of pollutant to waters of the United States.
- Develop and maintain a best management practice (BMP) plan for solids control, material storage, structural maintenance, record keeping, and training.

Prior to using any new chemical or aquaculture drug at the Facility, the Discharger is required to submit to the Regional Water Board a RWD and be issued waste discharge requirements and/or NPDES permit authorizing the discharge. The RWD must contain the reporting and toxicity testing of the new chemical or aquaculture drug as specified in Section VI.C.2.a of this Order. These reporting and toxicity testing requirements are needed for the Regional Water Board to determine if the discharge of a new drug or chemical by the Facility has reasonable potential to cause, or contribute to an in-stream excursion above any chemical-specific water quality criteria, narrative water quality objective for chemical constituents from the Basin Plan, or narrative water quality objective for toxicity from the Basin Plan.

3. Best Management Practices and Pollution Prevention

- a. **Salinity Evaluation and Minimization Plan.** The Discharger shall prepare a salinity evaluation and minimization plan to address sources of salinity from the Facility.
- b. **Provision VI.C.3, Best Management Practices.** Best Management Practices plan requirements are established based on requirements in Effluent Limitations Guidelines and New Source Performance Standards for the Concentrated

Aquatic Animal Production Point Source Category at 40 CFR 451. CAAP facilities that are subject to the federal ELG are required to develop and maintain a BMP plan that address the following requirements: solids control, material storage, structural maintenance, record-keeping, and training. The Discharger must make the BMP plan available to the Regional Water Board upon request, and submit certification that the BMP plan has been developed.

- c. **Formaldehyde Percolation Pond Investigation. Within 12 months** of Order adoption, the Discharger shall submit a Percolation Pond Groundwater Quality Study Plan. The plan shall include a proposal to install at least one sentry well downgradient of the percolation pond capable of monitoring residual formaldehyde from the pond. **Within 2 years of adoption of this Order** and on approval of the design by Regional Water Quality Control Board staff, the Discharger shall install the sentry well(s) as approved by Regional Water Quality Control Board staff and commence monitoring of the sentry well(s) as specified in the Monitoring and Reporting requirements of this permit. Based on the results of the monitoring, the Discharger may be required to complete an Antidegradation study including evaluations of alternative stack treatments and formaldehyde neutralization options.

- d. **CWC section 13263.3(d)(2) Pollution Prevention Plans – Not Applicable.**

4. Construction, Operation, and Maintenance Specifications

- a. Provisions VI.C.4.a, Solid waste disposal provisions in this Order are based on the requirements of CCR Title 27 and prevention of unauthorized discharge of solid wastes into waters of the United States or waters of the State. Other construction, operation, and maintenance specifications are to prevent other unauthorized discharges to waters of the United States or waters of the State.

5. Special Provisions for Municipal Facilities (POTWs Only) – Not Applicable

6. Other Special Provisions – Not Applicable

7. Compliance Schedules – Not Applicable

VIII. PUBLIC PARTICIPATION

The California Regional Water Quality Control Board, Central Valley Region (Regional Water Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for Mt. Shasta Fish Hatchery. As a step in the WDR adoption process, the Regional Water Board staff has developed tentative WDRs. The Regional Water Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided through physical and electronic posting.

B. Written Comments

The staff determinations are tentative. Interested persons are invited to submit written comments concerning these tentative WDRs. Comments must be submitted either in person or by mail to the Executive Office at the Regional Water Board at the address above on the cover page of this Order.

To be fully responded to by staff and considered by the Regional Water Board, written comments should be received at the Regional Water Board offices by noon on xxx December 2008 xxx.

C. Public Hearing

The Regional Water Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: xx/xx January 2009 xxx
Time: 8:30 am
Location: Regional Water Quality Control Board, Central Valley Region
 11020 Sun Center Dr., Suite #200
 Rancho Cordova, CA 95670

Interested persons are invited to attend. At the public hearing, the Regional Water Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our Web address is <http://www.waterboards.ca.gov/rwqcb5/> where you can access the current agenda for changes in dates and locations.

D. Waste Discharge Requirements Petitions

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Regional Water Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Water Board's action to the following address:

State Water Resources Control Board
Office of Chief Counsel

P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

E. Information and Copying

The Report of Waste Discharge (RWD), related documents, tentative effluent limitations and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Regional Water Board by calling 530-224-4845.

F. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Water Board, reference this facility, and provide a name, address, and phone number.

G. Additional Information

Requests for additional information or questions regarding this order should be directed to Kevin Kratzke at 530-224-4850.